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THE
Parliamentary Debates
FROM
THE YEAR
1803
TO THE PRESENT TIME.

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XX.
COMPRISING THE PERIOD
FROM
THE THIRTEENTH DAY OF MAY
TO
THE TWENTY-FOURTH DAY OF JULY
1811.

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THE

Parliamentary Debates

During the Fifth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the First Day of November, One Thousand Eight Hundred and Ten, in the Fifty-first Year of the Reign of His Majesty King GEORGE the Third.

HOUSE OF COMMONS.

Monday, May 13.

REPORT OF THE BULLION COMMITTEE —MR. VANSITTART'S RESOLUTIONS.] The House having resolved itself into a Committee of the whole House, to consider further of the Report which, in the last session of parliament, was made from the Select Committee appointed to enquire into the cause of the High Price of Bullion, and to take into consideration the state of the circulating medium, and of the exchanges between Great Britain and foreign parts; Mr. Lushington in the Chair,

Mr. *Vansittart* rose and addressed the Committee as follows:

Mr. Lushington; The Resolutions proposed by the learned Chairman of the Bullion Committee (Mr. Horner) having been rejected by the House, it is now my duty to bring under their consideration those of which I have given notice, and which have for some time been printed. I shall think it unnecessary to enter at much length into the discussion of general principles which have been so fully debated, and upon which I have the satisfaction to find the opinion of a great majority of the House conformable to my own. And the course of proceeding adopted with great candour by the learned gent., enables me to dispense with that minute proof which I am prepared to give, by a reference to authentic documents, of the truth of the facts stated in my proposed Resolutions. With a view to fair and convenient discussion, he has prepared a series of amendments, in which he has specifically pointed out those facts alledged by me, which he disputes, and has brought forward such others as he thinks may destroy, or materially weaken, the impression of the chain of historical evidence which I have adduced.

I shall, therefore, consider myself as justified in arguing upon every fact to which he has made no objection in those amendments, as admitted; and only call the attention of the House to the proof of those which he thinks capable of being refuted or explained.

But, before I enter upon this discussion, I think it necessary to remove a few misapprehensions which have occured, and notice some of the arguments which have been adduced in the course of this long protracted debate. For in proportion as the supporters of the Bullion Report have found themselves pressed on the material points of the case, they have wandered into extraneous topics, and had recourse to some artifices of debate which it is not unnecessary to point out.

In the first place it has been observed, with a view of weakening the effect of my Resolutions, that they have gone through three editions. If this were true, and if the alterations I had made had been considerable, I should have done no more than would have been both my right and my duty if I had fallen into any errors at first. The fact, however, is merely this:

On the 11th of April, my learned friend communicated to the House the general substance of his intended Resolutions: on the 22d they were presented in their present form, and ordered to be printed. On Friday the 26th, my Resolutions were presented, and ordered to be printed. The discussion being then fixed as early as the Monday following (the 29th), I took the liberty of requesting that the printer might send a proof copy of my Resolutions not only to me, but to those gentlemen whom I thought likely to take a leading part on the opposite side in the discussion; and this mark of my attention and respect, to which they are so fully entitled, is now sarcastically called a first edition. On Monday the 29th, the Resolutions came from the printer, and were delivered to the members in general: and this makes the second edition. The debate being postponed for a few days, and accounts having been presented during the interval which enabled me to state more exactly a few of the sums mentioned in the Resolutions, and to bring some of them down to a more recent date than I had done before; instead of making such corrections, and a few others merely verbal, when the resolutions were to be actually proposed, I desired for the sake of general convenience, that they might be reprinted:—and this forms the third edition; and if any gentleman will take the trouble of comparing the three, which I think those who have made the observation cannot have done they will find that no one fact or argument has been altered, with the exception of the sums I have mentioned. I state this, not because I should have been unwilling to confess any error into which I might have fallen, or should now feel a repugnance to admit any amendments which could render the Resolutions more strictly accurate, but to show to what expedients those are driven who wish to raise a doubt either of their truth or their importance.

On another point, I feel more anxiety not to be misunderstood. I have been supposed to use strong language in speaking of the proceedings of the Bullion Committee, and even to have insinuated that they countenanced a system of fraud and perjury. My known respect for all the members of the Committee, and the intimacy and friendship with which I am honoured by several of them, will, I trust, secure me from any suspicion of using, unless through mere inadvertence, any expression which could fairly bear such an interpretation. If my argument had not been misunderstood, it would have been perceived to have a directly contrary meaning. I argued, that the Committee could not seriously mean to recommend the repeal of the Bank Restriction Act, in the view of improving the course of exchange, without previously moving for the repeal of the laws which prohibit the exportation of our coin, because, while those laws subsisted, our money could only be sent abroad by a system of fraud and perjury, which it was impossible to suppose the Committee could intend to countenance; and without such exportation, no beneficial effect on the exchange could be produced. But I have thought myself bound to avow the opinion I entertain, that the publication of their Report has, although most contrary to their intentions, produced effects not beneficial but injurious to this country. For what other purpose has it been translated, circulated, and commented upon by the partizans of France in every country in Europe? What other use has been made of it in America?

It is not often that I think it necessary or becoming in a member of parliament to state the private motives which induce him to take the part which he thinks it proper to do in a particular discussion. But there are some cases in which those motives are connected with the question itself, and may serve to illustrate it; and I shall, therefore, take the liberty to mention the circumstances which have led me to come forward, as I have done, on this occasion.

Several months ago, while in a state of mind the least inclined, and the least adapted to political inquiries, I received a sort of reference from one of the ablest men on the continent of Europe, desiring my opinion of the Report of the Bullion Committee, which had just fallen into his hands. He observed, that if the opinions of the Committee were well founded, all his ideas of the resources and prosperity of England would be overturned: "Toutes mes idées seront bouleversées," was his expression. I answered him, that I thought the Committee had fallen into great errors, chiefly by applying sound and just principles of political economy to facts which did not support them; and, that their opinions, if adopted by parliament, would produce great injury to the public; and I very shortly stated some reasons for thinking so. Subsequent reflection and enquiry confirmed me in the judgment I had formed at first; and I found so large a portion of the public entertained the same sentiments with myself, that when my learned friend (Mr. Horner), first gave notice of a motion on the subject of the Report of the Bullion Committee, I really believed it was his intention to move that it should be referred back to a Committee, for a further investigation of the subject. In this case I entertained a hope that, if I should be a member of that Committee I should be able to propose such a course of inquiry, as might either induce them to retract some of the opinions formed last year, or lead me to concur with them upon sincere conviction. The answer of my learned friend, that he thought no further investigation necessary, destroyed those hopes, and left me, so far as I can judge of my duty to the public, no other alternative than that of stating firmly and distinctly, though I hope with becoming respect, my sentiments in opposition to those of the Committee.

In the many long and able speeches, in which the opinions of the Bullion Committee, with respect to the removal of the Bank restriction, were supported by the learned chairman and some of his colleagues, it is extraordinary that the practicability of carrying their recommendation into effect, was scarcely touched upon. But, indeed, the same want of inquiry into this most important point appears in the proceedings of the Committee. They called the Governor and Deputy Governor of the Bank repeatedly before them, and examined them at great length as to many other points of mere opinion; but they neither asked of them, or of any other witness, a single question as to the practicability of restoring the cash payments of the Bank in two years. If they thought the opinions of Bank directors too old-fashioned and erroneous to be deserving of any attention, how could they propose to leave to them the uncontrolled execution of so delicate and difficult an operation? On another point, that of the limitation of the issue of notes, the Committee were not sparing of their inquiries as to the opinion of the Governor and Deputy Governor. A considerable part both of their Report and of their speeches, has turned upon it. Two of my hon. friends (Mr. H. Thornton and Mr. Wilberforce) have assigned that opinion as one of their principal reasons for supporting the Resolutions proposed by the learned chairman. I must say that I think the Governor and Deputy Governor have been rather harshly treated on this occasion, when so much stress has been laid on what I admit to be a hasty and inconsiderate answer at the close of a long and severe cross examination (which answer, however, is supported by the authority of Adam Smith*, and has been fully explained by such of their colleagues in the Bank direction as are members of this House—Mr. S. Thornton and Mr. Baring.)

But if the Committee were destitute of any evidence respecting the practicability of the measure they so earnestly recommend, we are not without such evidence. We have had the advantage of hearing a gentleman (Mr. Baring), himself a member of the Bullion Committee, himself a Bank director, and therefore combining an intimate acquaintance with the internal affairs of the Bank with the most extensive knowledge of commercial affairs in general. He has told us, in a speech full of information and profound research into subjects of finance and political economy, that the proposed resumption of cash payments is positively and absolutely impracticable.

This it may, however, be said, is only evidence of opinion, though an opinion entitled to the greatest weight from the talents and situation of him who gave it. But the same gent. gave us evidence of a fact. He told us that his house, one of the first mercantile houses in the world, carrying on the most extensive correspondence, possessing unbounded credit in both the hemispheres, could not now procure ten thousand ounces of gold, if they would give for it a premium of fifty per cent.

Oh! that he had raised his warning voice in the Committee, as he has done in this House! It would then have been impossible for them to have made such a Report as they have done: the House would have avoided this long and painful discussion, and the public would have been spared many months of anxious suspense and uncertain credit.

Could the Committee, after such a statement, have affirmed in their Report; could the learned chairman have repeated in his speech, that there was no real scarcity of gold? Yet such is the foundation upon which all their fabric rests.

But another assertion of the learned chairman is, if possible, still more extraordinary. He tells us the Committee only propose a measure of experiment; and, if it fails, there is no harm done. Oh! how the love of theory and system can blunt the keenest intellect, and cloud the brightest understanding!

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* See Wealth of Nations, book ii. chap. ii. vol. 1. p. 455, edit. 1784.

No harm done by an experiment which, whether it succeeds or fails, may occasion a general bankruptcy in London! This is no visionary apprehension of mine, but the deliberate evidence given before the House of Lords by his colleague and supporter (Mr. H. Thornton). That hon. gentleman now tells us it will do mischief, but it will establish a principle. A principle of what? The great principles of religious and moral truth are fixed and unalterable, and to them we ought to sacrifice every other consideration: but what are called principles of political economy are no more than maxims of prudence collected from observation and experience. Such a principle, whenever its application is mischievous, is, in that case false, however true and important it may be in other cases apparently, but not really analogous; and, in such a case, to adhere inflexibly to the principle, is not wisdom or firmness, but blundering pedantry. The great talent of political prudence lies in the discernment and discrimination of such cases.

The Committee cannot say that the resumption of cash payments can be carried into effect without such a reduction of the bank issues as might, according to the hon. gentleman's evidence, produce such an effect. Not only the obvious reason of the case shows that a great reduction would be necessary, and it was so stated in the evidence of the governor and deputy governor of the Bank, but the Committee themselves avow the reduction of Bank paper to be their great object.

From such a reduction they expect a melioration of the course of exchange. That it would produce such a melioration, I have, on a late occasion, expressed my doubts. I have since been triumphantly told by a right hon. gent. opposite (Mr. Canning), that the Chancellor of the Exchequer thinks differently from me on this point. It is true that he appeared to me to make a concession beyond what the case required. He admitted that a great reduction of the issues of the Bank would improve the exchange, but he objected to it on account of the danger with which, in other respects, it might be attended. I am far from denying the general tendency of a reduction of currency, whether metallic or representative, to increase its value; and, in consequence, to diminish imports, and increase exports, and therefore gradually, and by a slow process, to improve the rate of exchange. But though I agree thus far with the right hon. gent., I think that he overlooked one of the principal elements of all calculation respecting the intercourse of nations, the effect of which is not the less real from its not being capable of arithmetical estimate; I mean confidence.

Supposing the diminution of our currency to have the effect which he agrees with me and with the hon. gent. near me (Mr. H. Thornton), in thinking it would have, that of occasioning great commercial distress and numerous bankruptcies, the injury done to confidence abroad might produce an unfavourable effect on the exchange more powerful and more rapid than the beneficial operation of a reduction of currency could counteract. Commercial embarrassments would occasion a fall in the value of government securities, and particularly of the funds; foreign stockholders, as well as other foreigners possessing property here, would take the alarm, and would be desirous of withdrawing their capitals, even at some loss, and bringing home their property; and thus the general balance of payments, and consequently the exchange, might become still more unfavourable, notwithstanding some improvement of the course of trade abstractedly considered.

On this point, also, we have to a certain extent, the evidence of facts. In 1783 and 1796 and 7, the issues of the Bank were considerably reduced; not, indeed, to that degree which must be the effect of an approaching renewal of cash payments, yet sufficiently to produce much mercantile distress, notwithstanding the abundance of metallic money then circulating. But was this reduction productive of any beneficial effect on the exchange? Far from it. The exchange continued unfavourable till rectified by other causes; in the first case, by the peace; in the other, by the peace between Austria and France, and by the return of plenty after a period of dearth; and in both cases the improvement of the exchange was accompanied (but I admit not produced) by a rapid increase of the issues of the Bank.

In discussing this question, an hon. gent. opposite (Mr. Huskisson), and my hon. friend near me (Mr. H. Thornton), laid considerable stress on the example of the Bank of France, which they recommend to our imitation, as another hon. gent. (Mr. Sharpe) has done the conduct of Holland

and Hamburgh. Before I can attach any importance to this case, I should require some greater security for an exact statement of the facts, than an official Report made to the French government, respecting transactions in which the conduct of that government itself was involved.* The Report certainly is very well written, and ingenious; but an account is circulated in common rumour respecting the causes of the embarrassments of the Bank of France, in 1806, much shorter, and more simple, than that of Mr. Dupont. It is said, that the French emperor, when about to take the field against Austria and Russia, in the autumn of 1805, found it convenient to possess himself of the cash reserved by the Bank of France, for which he gave the security of bills accepted by the receivers of the revenue: that the Bank was, in consequence, obliged to stop payment for four months; but that the victorious event of the campaign, and the contributions extorted from Germany, enabled the emperor, after that term, to replace the sums advanced, and the Bank resumed its ordinary operations. I cannot answer for the truth of this account, but it carries no improbability on the face of it; and the earnest manner in which Mr. Dupont deprecates all interference or connexion between the government and the Bank, naturally leads to a suspicion that some such story may be well founded.

But admitting his representation of the case to be exactly true, to what does it amount? First, that to restore its payments in cash, the Bank of France was obliged to reduce its issues from ninety millions of French money (something more than three millions and a half sterling) to fifty-four millions, and soon afterwards to less than forty millions, or sixteen hundred thousand pounds.

Secondly, that this diminution, so trifling in its amount in the vast empire of France, plentifully supplied with metallic money, and so little depending upon paper circulation, yet produced numerous bankruptcies, and, to use Mr. Dupont's own words, most fatal effects upon commerce.

Thirdly, it is evident that the depreciation of the notes of the Bank of France, which took place while it was obliged to suspend its cash payments, was a depreciation from discredit, and not a depreciation from excess. For it appears, that at the time when cash payments were stopped, the amount of notes in circulation was less than it had been before, and the stoppage immediately followed a large advance made to the government, through the medium (as stated by Mr. Dupont) of merchants, who took as security the bills of the receivers general, and gave their own bills to the Bank. It is not extraordinary, that at this proceeding, which, even by Mr. Dupont's account, was nothing like a fair mercantile transaction, but nearly resembled what we call accommodation bills, and which, perhaps, as indeed appears by the other accounts circulated, was exaggerated, the holders of notes took the alarm. A run upon the Bank followed, and a stoppage of payment was the consequence.

But, for the sake of those hon. gentlemen who hold Mr. Dupont's authority so high, I shall take the liberty of citing a short passage:—"Many persons," says he, "struck with the inconveniences of even a temporary excess of notes, have thought, that we ought to limit the amount which the Bank shall issue: to keep the tree a dwarf, that it may afford less hold to the wind. We (speaking in the name of the chamber of commerce) do not partake of that opinion."

Mr. Dupont tells us, that when he wrote (in 1806), the notes of the Bank of England were really depreciated to the extent of three or four per cent. but that this depreciation was almost imperceptible both at home and abroad. Now, this is a most valuable discovery for those gentlemen who are so fond of depreciation, because that to those who have faith enough to believe in this new imperceptible kind, it obviously is utterly impossible to prove the contrary.

But there is another passage to which I should desire not only their attention, but that of the House in general. Speaking of public credit, he says, it is at present the sole support of Great Britain.

I perfectly agree with the learned chairman in one part of his most able and eloquent reply; that in which he commented on the conduct (though, indeed, too much countenanced by the mode of proceeding first suggested by himself) of those gentlemen, who, agreeing in all the principles of the Committee, and supporting all his Resolutions, except the last; yet proposed to stop short, and merely to record the existence of the depreciation of our currency, without applying any remedy to so great an evil. If the fact were indeed true, I am sure this House would be greatly wanting in its duty to the country, and would justly become the laughing-stock of all Europe, if it were to rest satisfied with the discovery and publication of our situation, without taking any measures to prevent the impending ruin of our public credit.

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* Vide Mr. Dupont's Report.

Such a proceeding is justly exposed to the comments of the learned chairman, and cannot be defended by the arguments of the hon. gent. near me (Mr. H. Thornton), or even by the wit and eloquence of the right hon. gent. opposite (Mr. Canning.) It is impossible not to remark the singular compliment paid by that right hon. gent. to the learned chairman, whose reasonings and whose Report he defends. He offered to vote for the two last of the Resolutions I am about to propose, on condition that I would accede to the first seven Resolutions of the learned chairman. However justly I should value the support of the right hon. gent., I cannot accept it on the conditions of recommending to this House Resolutions which I think erroneous both in fact and law, and of depriving my own practical Resolutions of that chain of facts which appears to me to form their natural and proper support. In the learned chairman's Resolutions I did not, indeed, see any very strict and logical connexion, but I never thought of passing so bitter a sarcasm upon them as the right hon. gent. has done, who thinks that they are premises which will equally lead to contradictory conclusions:—that having been drawn up by the learned gent. for the purpose of proving that the Bank ought to pay in cash, they will serve rather more conveniently to prove that it ought not to do so.

Those gentlemen, indeed, tell us, that these Resolutions will serve as a guide to the Directors of the Bank, who, they say, have the power of controlling the exchange, though the Directors themselves deny that they have any such power.

We read in Rasselas of an unfortunate philosopher, who, by intense meditation on the most abstruse theories, so bewildered his understanding, that he fancied himself intrusted with the direction of the winds and weather, and was worn with continual care and anxiety in the management of this imaginary charge. Such, but much worse, would be the situation of the Bank Directors under the control of the Bullion Committee. This poor astronomer was, indeed, harassed with visionary cares and useless solicitude; but he could do no real harm, he could not parch the fields of his neighbours with drought, or blast their crops with mildew; and he had the satisfaction of fancying himself beneficially employed. But the Directors of the Bank would be compelled, in the pursuit of an object which they knew to be equally chimerical, to inflict real and substantial evils on their country; to cramp the resources of the state; to fetter the exertion of the national power; and to spread distrust, alarm, and bankruptcy around them.

I should trespass too long on the attention of the House, if I were to pursue these general topics, which I consider, indeed, as having been practically and substantially decided by the House, in rejecting the Resolutions moved by the learned gentleman. I shall proceed, therefore, to the more immediate business of this evening, the discussion of the Resolutions I am about to propose. In this (as I before observed), the candour of my learned friend has brought the question of fact to a distinct issue, and a much narrower compass, by stating his objections to my Resolutions in the form of Amendments.

Before I proceed to examine them in detail, I must beg the House to recollect that these are the only objections which the acuteness and industry of the learned gentleman and his colleagues have met with to the facts stated in those Resolutions, which, short and simple as they appear, comprise no less than a review of the financial and commercial history of the country so far as relates to the subjects of money and exchanges, for upwards of a century, and that these Amendments point out no positive error. I might admit the whole of them without giving up one fact in the Resolutions. The force of the reasoning deduced from these facts, might be varied in respect of extent and degree, and some of them might receive a different explanation from that which I have given, but not one of them is contradicted. I need not repeat, that I should willingly adopt any modifications by which the Resolutions might be made to give a more correct view of the case, and, under the circumstances I have mentioned, I should think, that even after acceding to all these Amendments, I should leave sufficient ground for the proceeding I am about to propose to the House; but I am compelled to observe, that the Amendments appear to me so inaccurately drawn as in every material point to be completely erroneous.

The first Amendment refers to the fourth of my proposed Resolutions, and is as follows:

"That, prior to the restriction of cash payments, the exchanges were never more unfavourable to Great Britain, for any length of time, than from five to seven per cent. below par, the depression appearing to have never exceeded the whole expence of transmitting specie abroad; except during a debasement of the coins of the realm.

"That, prior to the said restriction, the market price of standard gold in bars never rose above the Mint price more than 1½ per cent. and that only for a very short interval; except in 1720, the year of the famous South Sea scheme, when it rose to 4*l.* 1*s.* 6*d.* per ounce; and during the periods when the coins of the realm have been debased.

"That, in periods subsequent to the said restriction, and particularly of late years, the exchanges have been unfavourable to Great Britain much below the limit marked by the whole cost of transmitting specie abroad, and have continued so for a considerable time together, being at present, and having been for a considerable time, more than twenty five per cent. below par; and, in the same manner, the market price of standard gold in bars has been, and still is, more than twenty five per cent. above the Mint price."

In this statement, the periods in which the coin has been debased, are expressly excepted; and this debasement is, in the next Amendment, stated to have existed during the wars of William 3d, until the recoinage, and also during the seven years war, and until the year 1774.

On the two periods thus excepted I shall have something to say, in speaking of the next Amendment, because I suspect that, with regard to both of them, the learned gentleman, as well in his Amendments as his Report, has mistaken the effect for the cause; and that it was not the debasement of our money which occasioned the unfavourable exchange, but an unfavourable exchange which produced the debasement of our money.

But I shall now limit my attention to the two periods selected in the first Amendment, namely, from the recoinage in 1697, to the commencement of the seven years war in 1756; and from 1774, to the Bank restriction.

The difference between the learned chairman and me, with respect to this Amendment, is this, that he denies that at any time during the periods he has selected, the depression of the exchanges exceeded the whole expence of transmitting specie abroad, and that the price of standard gold ever rose above the Mint price more than 1½ per cent. excepting during the year of the South Sea scheme.

I affirm, on the contrary, in the fifth Resolution, that on the only occasions on which, from political and commercial circumstances, such an effect was to be expected within the periods alluded to, namely, during the wars of queen Ann, and during part of the American war, a depression of the exchange, and a rise of the price of bullion, actually took place; and I am prepared to show, from documents on your table, that they took place to such a degree as to furnish a complete practical proof of the fallacy of the leading doctrines of the Bullion Report. I say, these were the only occasions when such an effect was to be expected, because, from the termination of the wars of queen Ann by the treaty of Utrecht, till the end of the earlier period, in 1756, was a time of peace and extraordinary commercial prosperity, with the exception of the derangement occasioned by the South Sea scheme (which is admitted in the Amendment), and the war terminated by the peace of Aix la Chapelle. These hostilities, though they produced some effect on the exchange, do not appear to have much depressed it. And I am so far from supposing any great fluctuations in the course of exchange and in the price of bullion to be likely to take place during a period of peace and commercial prosperity, that, if they had actually occurred, I should have found great difficulty in accounting for them.

And I must not omit to mention here one circumstance which, for more than half of the last century, greatly contributed to render the exchanges favourable to England. During the whole of that period our growth of corn considerably exceeded our consumption. The export of wheat between 1700 and 1763, exceeded the import by more than 32 millions and a half of quarters, being, on the average, more than half a million a-year.

The regular periodical accounts of the course of exchange and the price of bullion, printed by order of the House, do not extend back so far as the reign of queen Anne; but their place is sufficiently supplied for our present purpose by an important document furnished by the Comptrollers of Army Accounts. From this it appears, that in 1703 the exchange with Flanders was at the rate of ten guilders eleven stivers for the pound sterling, being a loss to England of above 12 per cent. From 1703 to 1711, the accounts of the exchange with Flanders are wanting; but, from the well known circumstances of the war, as well as some others which I shall presently mention, it is highly improbable that any favourable change took place in that interval, especially as it appears, in 1710, to have been at 11½ per cent. loss with Genoa. In 1711, the exchange varied from ten guilders eight stivers, to ten guilders ten stivers, being a loss varying from 13⅓ per cent. to something less than 12. In 1712, it was ten guilders eighteen stivers, about 9⅙ per cent., in 1713, eleven guilders, about 8⅓ per cent. loss, and in 1714, ten guilders eighteen stivers, or 9⅙. In 1712, it was at 13⅓ per cent. loss with Dunkirk.

It is certain, that, during the whole of this period, the expence of sending gold coin to Flanders could not amount to three per cent. and probably could not exceed two per cent.; and therefore we have, for eleven years together, an example of a circumstance taking place, which the Bullion Committee positively pronounce to be impossible, namely, a depression of the course of exchange beyond the total expence of the conveyance of specie from one country to the other, without any depreciation of the currency.

Nor is the learned gent.'s amendment more correct with respect to the price of bullion. On this point the evidence is not, indeed so direct, but I think it not less conclusive.

It appears, by accounts on the table, that from 1702 to 1709, the Bank bought no bullion. Now, as that corporation always buys bullion when it can be procured at, or but little above the Mint price, it is evident they could not at that time obtain any at such a price. In 1709, some gold was actually purchased at four pounds per ounce, and from that time the purchases continued.

This, according to the learned gent.'s next Amendment, would appear to be under the Mint price, which he computes at 4*l.* 1*s.* 7*d.* stating, that from the reformation of the coin in the reign of king William, to the fourth of George the first, the guinea passed by law for twenty-two shillings.

Here he has fallen into another mistake; the guinea never passed by law for twenty-two shillings. It was struck as a twenty-shilling piece, and valued accordingly in the Mint indentures. The Mint price of gold should, therefore, be reckoned at 3*l.* 14*s.* 2*d.*; but not being made a legal tender, it passed at a higher rate by common consent; and, for a short time, about 1696, as high as thirty shillings. On the 10th of April 1696, all persons were forbidden, by Act of Parliament, to pay or receive guineas at a higher rate than twenty-two shillings, but they were not made current money at that rate. They soon after fell to twenty-one shillings and sixpence; and, on the 16th of February 1698 a resolution explanatory of the act of 1696 passed the House of Commons, declaring that no person is obliged to take the guinea for more than twenty one shillings and sixpence, and the receivers of taxes were instructed to take it at that rate. It generally passed at the same value till 1717, when it was reduced, by Proclamation, to twenty-one shillings, and made current at that rate. The customary value of gold in coin was, therefore, at the time we are speaking of, 3*l.* 19*s.* 8¼*d.* per ounce, but the real Mint price (as I before said) 3*l.* 14*s.* 2*d.*

These circumstances I should think sufficient to establish the fact that the price of gold from 1702 to 1709, when it could be procured at all, must have exceeded four pounds per ounce; but it is abundantly confirmed by the acccounts from the Mint. It appears, that in some years of that period, the Mint stood still entirely for want of bullion. In the whole term of seven years, from 1702 to 1709, no more than 391,000*l.* was coined in gold, and 433,000*l.* in silver, which latter was chiefly procured from the Scottish money recoined at the Union, and from the prizes taken at Vigo.

The Mint accounts furnish, indeed, one of the most certain proofs of the plenty or scarcity of bullion, as it is evident from the state of our laws respecting coinage and other well-known circumstances, that money will always be struck when bullion can be obtained at the Mint price.

In the latter years, in which the accounts distinguish between the coinage from light guineas and that from foreign gold, the criterion is still more perfect; because the Bank has frequently been obliged to purchase foreign gold for coinage at prices considerably exceeding the Mint price, when light guineas could not be procured, which they always can be when the general price of gold does not materially exceed that of the Mint.

I have thus shewn, that in the former period alluded to in the learned gentleman's Amendment, namely from 1696 to 1756, the fact is completely at variance with the assertions of the Amendment in both its branches, as well as with the theories of the Committee.

Nor is the Amendment better founded with respect to the latter period, from 1774 to 1797. I am far from denying that the reformation of the gold coin which took place about the year 1774, might have a tendency to raise the exchange; but, it must be remembered, that this was a season of peace, and that the exchange might have become favourable from causes merely commercial. But it does not appear from the accounts, that any such effect took place. The recoinage which commenced in 1773 was not completed till 1777, and the exchange with Hamburgh, which, in the year 1773, previously to the new regulations respecting the coin, varied from 34.6 to 35, was, in the year 1777, from 33.2 to 32.1, being not a rise, as by the theory it should have been, but a depression of about seven per cent.

This was, however, a season of peace, and it could not be expected, that the exchange could be depressed to any great degree, or for any long continuance, except in the case of scarcity.

But towards the end of the American war, from the year 1780 till some time after the restoration of peace, the exchange with Hamburgh continued from five to eight per cent. against England, though the expence of sending specie to Hamburgh could not have been more than about three per cent. At the same time the price of foreign gold rose about six per cent. and that of silver bullion no less than eighteen per cent. above the Mint price.

It is stated in the Amendment, that the price of standard gold in bars did not exceed the Mint price in any one year of the American war. Whether the learned gent. means one whole year or not, does not appear; but even in this sense, his Amendment is erroneous, as it exceeded that rate from May 1783 to May 1784. But the price of foreign gold exceeded the Mint price for three whole years, from April 1781 to April 1784, and exceeded 4*l.* per ounce, from July 1782, to September 1783. These returns do not, however, give a complete view of the case, for it is a common practice in making up the price-lists, to continue the last price when few or no sales appear to have taken place; so that, when a scarcity of bullion exists, the prices returned in the lists are often nominal rather than real. And this is particularly the case with respect to the standard bullion produced from light guineas, which cannot legally be exported, and which the Bank is always ready to purchase at the Mint price, or very near it; for which reason, the price of foreign gold is usually a fairer criterion of the real state of the market. And it is evident, from other circumstances, how great the scarcity of gold bullion must have been at that time. It was even proved before the Committees in 1797, that the treasure in the Bank was then reduced considerably lower than it was when the restriction on cash payments was imposed.

In 1780, the Mint was entirely unemployed, and for three years succeeding the amount of coinage did not, on an average, exceed 600,000*l.*

From 1784, till the Bank restriction, was again (except in the last four years) a period of peace, during which it is so far from being extraordinary, that the exchanges should be favourable, and the price of bullion low, that those effects were rather to be expected upon common mercantile principles.

It will be more convenient to reserve any discussion of the circumstances of those last four years till we come to the next Amendment, in which they are again alluded to.

But in what has been said, I think that I have completely proved, that both in the earlier and the later period to which the learned chairman has referred, the statement in his Amendment is wholly unfounded, both as it regards the course of exchange and the price of bullion.

The learned gentleman's second Amendment refers to the fifth Resolution, and I have already answered that part of it which relates to the price of gold during the American war.

The greater part of the remainder relates to the wars of king William the Third, a period upon which the Committee in their Report, as well as the learned chairman in his speech, appear particularly fond of dwelling. It is, however, most unfortunately selected for their purpose, for the Amendment begins with an extraordinary blunder.

It states, that immediately after the reformation of the coin, the market price of gold fell to the Mint price, and the exchanges rose nearly to par, although the circumstances of the war and the foreign expenditure continued unaltered.

It is evident, that the whole purpose for which the Committee and their learned chairman have dwelt so much on this portion of our history, rests entirely on this part of their statement; for it never can be proved that the depression of the exchange during the war terminated by the peace of Ryswick, was occasioned, not by the war itself, but by the depreciation of our currency, unless it can be shown that the restoration of a favourable course of exchange was owing, not to the peace, but to the reformation of our coin.

To show how impossible it is for them to establish this position, it is only necessary to state a few dates.

On the 14th of December 1695, the House of Commons voted an Address to king William, to stop the currency of clipped money. On the 4th of January following, the king returned an answer, that he would issue his proclamation accordingly. On the 21st of January, a bill for remedying the ill state of the coin received the royal assent. Other acts passed for the encouragement of persons bringing bullion to the Mint. The coinage was carried on with activity; and before the 28th of November 1696, about 2,400,000*l.* of the new money had been issued into circulation. Here, then, we should expect to see the improvement of the exchange if it had been produced by the reformation of the coin. But the remittances to Flanders, on account of government, which in May 1695 were made at the rate of ten guilders for the pound sterling, or 20 per cent. under par, were in September 1696, after a considerable quantity of the new coin had been issued, at nine guilders, or 25 per cent. loss; and, so late as January 1696-7, at nine guilders, five stivers, or about 23 per cent.

But Louis the Fourteenth, whose resources were as much exhausted as those of Great Britain (for, as Burnet observes, in 1696, "the common scarcity of money kept both armies quiet,") had before this time turned his thoughts seriously to peace. He signed a treaty of peace with the duke of Savoy on the 29th of August 1696, and made overtures to the other confederates, of which king William took notice in his speech on opening the parliament on the 20th of October. The preliminaries were agreed upon on the 10th of February 1696-7, but without a suspension of hostilities. The negotiations continued all the winter and the following summer, and the peace of Ryswick was signed on the 20th of September 1697. The effects of the approach of peace were soon observable in the rate of exchange. The remittances were made in April 1697 at 22 per cent. loss; in July, at 13⅓; and in August and September, at 12½.

These rates are taken from the original minutes of the treasury, which I desired leave to consult, on account of some references made to them in a publication highly worthy of attention for its perspicuity and force of argument—I mean the "Review of the Bullion Controversy." *

This simple statement seems to me sufficient to overthrow the learned gentleman's Amendment; but so much misapprehension has prevailed respecting this interesting part of our financial history, that it will not be without its use to look back a little further, and endeavour to trace the causes and progress of that degradation of the coin, which, at that time, occasioned so great an alarm, and was remedied, at so heavy an expence to the nation.

In this retrospect we shall derive great assistance from the Journals of Parliament. As early as the 9th of April 1690, a petition was presented to the House of Commons by the working goldsmiths of London, complaining of a great scarcity of silver, of large exportations of silver, and of the melting down of plate and silver money (which was then the only legal tender), whereby (as they state) "for six months past not only the petitioners in their trade, but the Mint itself hath been stopped from coining."

This Petition was referred to a Committee, who reported, "that the complaints of the petitioners were very just, and the inconveniences to the kingdom very great, but that they could not agree of a way for preventing the same, and recommended the subject to the further consideration of the House."

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* Printed for J. Budd, Pall Mall.

On the 17th of November 1690, a bill for discouraging the exportation of bullion, and encouraging the importation thereof, and converting the same into the coin of this realm," passed the House of Commons, but appears to have been lost in the House of Lords.

The evil continued to increase, and encouraged a practice which so early as the reign of Henry the Fifth, and afterwards in that of Queen Elizabeth, had been prohibited under the penalties of high treason—the practice of clipping the silver coin.

It must be recollected, that the only legal tender in the time of king William, was in silver coin, and that this coin was of two kinds, milled and hammered money. The milled money, of which a few beautiful specimens had been struck under the Commonwealth, was first made current in 1663. But the largest proportion of the coin in circulation before the recoinage in 1696, consisted of hammered money very broad and thin.

From this sort of coin it was easy to cut off a circle round the edge, and the remainder containing the stamp passed current as readily as before it was thus diminished. To so great an extent was this practice carried, that Davenant estimates the clippings, thus procured and exported, as equal to one fourth of the total amount of our silver coin existing at the Revolution.

Early in the year 1694, a Committee of the House of Commons was appointed to receive proposals how to prevent the clipping of the coin and the exportation of silver, which reported on the 10th of March. Though their Report was not acted upon during the remainder of that session, the subject was resumed at the meeting of parliament, in November 1694, and an act passed to prevent clipping the coin of this kingdom (6 and 7 W. 3, c. 17,) By this act penalties were enacted against persons giving more for silver money than the current value—against persons buying and selling clippings, or having them in their possession; and the export of silver bullion, except under strict regulations, was prohibited.

These circumstances, I think, prove that the degradation of the coin was a consequence of the demand for bullion occasioned by the difficulty of defraying the expenses of the war abroad, as we find the petition of the goldsmiths respecting the exportation and scarcity of silver coin preceded any complaints of the clipping of the coin. This opinion is confirmed by the statement of Davenant, in a long memorial, dated November 1695, and preserved among the Harleian MSS. in the British Museum. He tells us that, "the opinion, which all along prevailed, that peace was near in view, made us imprudent. First, the foreign coin and bullion went; then foreign commodities, our own country goods, and bullion obtained by clipping." His statement is confirmed by the no less competent authority of Gregory King, who estimates the decrease of the coined silver in 1695, to be from 8,500,000*l.* to 4,500,000*l.*; and that of the uncoined, from 500,000*l.* to 100,000*l.*

The opinion of the Bullion Committee, namely, that, in the case we are considering, the fall of the exchange was occasioned by the depreciation of the coin, must, therefore, be the reverse of the fact, since it appears, on the contrary, that the military expenses abroad producing an unfavourable exchange, and an exportation of bullion, were the cause of the depreciation of the coin.

In 1695, the difficulty was increased to such a degree, as to occasion a general controversy as to the measures which ought to be adopted. Three different plans were suggested:

The first, supported by Mr. Locke, was in favour of an immediate recoinage at the public expence, and at the full weight and fineness then established by the mint indentures.

The second, maintained by Mr. Lowndes, the Secretary of the Treasury, was for a recoinage at a reduced weight as a temporary expedient during the war; or, which was also suggested by many other writers, and recommended by the Committee in 1694, an increase of the current value of the coin.

The third, which is proposed by Davenant in the memorial I have alluded to, opposes both these plans, and suggests some temporary expedients, the most considerable of which is the raising a loan in Holland.

The opinion of Mr. Locke prevailed. On the 10th of December 1695, the resolutions of a Committee of the House of Commons, recommending the recoinage of the clipped money, were reported to the House, and, with some amendments, agreed to.

On the 14th of December, an address

was voted by the House, praying the King to stop the currency of clipped money; and on the 4th of January following, his Majesty returned an answer promising to issue a proclamation accordingly.

On the 21st of January 1695-6 an act for remedying the ill state of the coin, received the royal assent. Other acts passed in the same session*, for the encouragement of persons bringing plate to the Mint, and for reducing the rate at which guineas (which were then no legal tender) should be allowed to pass, first to twenty-six shillings, and afterwards to twenty two shillings. One of these acts (7 and 8 W. 3. c. 19.) contains a provision, which is curious, as it shows the tring expedients to which the distress of those times compelled the state to have recourse. It prohibits the use of any silver plate, except spoons, in taverns and public-houses, in order to obtain for the Mint the miserable resource of the plate belonging to such places.

The coinage thus ordered, was carried into execution with vigour and activity, and before the 28th of November, above 4,636,000*l.* in tale of clipped money had been melted for recoinage; and about 2,400,000*l.* of the new coin, amounting to nearly the same weight of silver, had been paid into the exchequer, or issued to the public.

The circumstances attending this memorable recoinage undoubtedly throw some light on the principles laid down by the Bullion Committee, but seem to me much better calculated to impeach, than to confirm, the validity of those principles as applied by them.

In the first place, it is clear that the calling in of the hammered money, must, until the new coin came into circulation, have occasioned a great diminution of the circulating currency; and that it did so in fact, to a degree producing extreme public inconvenience, appears from the numerous petitions from the principal trading towns (no less than eighteen in number), which were presented at the next meeting of parliament, complaining of the difficulties and embarrassments of trade caused by the want of the means of circulation*.

This diminution of currency ought, on the principles of the Committee, to have had a great effect in raising the exchange; but this was so far from being the case, that the course of exchange became still more unfavourable in 1696 than it had been in 1695, and continued at nearly the lowest depression till the preliminaries of peace were actually agreed upon.

Another circumstance observable, is, that the distress arising from the want of a medium of commerce forced a representative currency into use. At this very time Exchequer-bills were first introduced, and struck for sums as low as five pounds, for the purpose of general circulation. By these, and by Exchequer-tallies, Bank-notes, and the notes of private bankers, or goldsmiths, the necessities of the public were supplied, and an absolute stagnation of business prevented. "During the recoinage of our silver (says Davenant), all great dealings were transacted by tallies, bank-bills, and goldsmiths' notes. Paper credit did not only supply the place of running cash, but greatly multiplied the kingdom's stock, for tallies and Bank-bills did to many uses serve as well, and to some better, than gold and silver: and this artificial wealth, which necessity had introduced, did make us less feel the want of that real treasure which the war, and our losses at sea, had drawn out of the nation*." And here we have a striking illustration of the effects which might be expected from the execution of the plans of the Bullion Committee. Bank-notes might, indeed, be withdrawn from circulation, but the notes of private bankers would, after much inconvenience had been suffered, take their place. This would, certainly, be a much less evil than a general bankruptcy; but is it an end which the Committee would recommend to us to pursue with such risk and difficulty?

At the meeting of Parliament, on the 20th of October 1696, when, as I have mentioned, the King communicated to Parliament the overtures for peace made by the French king, the measures necessary for completing the recoinage were immediately resumed.

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* 7 and 8 W. 3. c. 1. 7 and 8 W. 3. c. 10. 7 and 8 W. 3. c. 13. 7 and 8 W. 3. c. 19. 7 and 8 W. 3. c. 30.

* See Petitions from Coventry, Birmingham, Norwich, the clothiers of Blackwell Hall London, the merchants of London, the clothiers of Devizes, from Southwark, Grantham, Peterborough, Bodmin, Chester, Derby, Wootten-under-Edge, Bishop's Castle, Leicester, and Exeter.—Journals of the House of Commons, Vol. XI.

* Discourses on the Public Revenues and Trade of England.

Hammered money was made current only by weight; and a short time afterwards,* was wholly prohibited, and various other regulations respecting the coinage were enacted; and, at the next meeting of Parliament (3rd of December 1697,) the King announced the signature of a general peace from the throne.

It may, perhaps, be observed, in answer to me, that as the improvement of the exchange was, in fact, subsequent to the recoinage, it may have been really occasioned by the recoinage, although it happened that the conclusion of peace took place about the same time.

A MS. memoir of Davenant to the lords of the Treasury, somewhat later than that which I before quoted, and dated 15th of July 1696, will furnish a reply to this observation.

He says, "Notwithstanding the coin is altered, the remitting such large sums yearly to Flanders makes the exchange to Holland continue so hard upon us, that in spite of all laws made, or to be made, the species will be carried over. The Dutch are already so overstocked with all kinds of our manufactures, that we have no hopes to pay the troops by the returns arising from the sale of goods there, which must put the exchange yet in a worse condition and more to our disadvantage; and this great sum, which we remit, does not only influence the exchange in Holland, but also at Hamburgh, in Spain, and Italy, and well nigh all the parts to which we deal, and is so heavy a load on our trade, that we must quickly sink under the burden."

I shall beg leave to call the attention of the House to one or two other passages in this memoir, though less immediately relative to the point now before us.

He asks a question, not yet, I hope, applicable to our present situation, but well deserving, from its importance, to be borne in mind in the present discussion; "Has not the loss of credit made peace difficult, and war impossible?"

Another soon follows more immediately bearing upon the plans of the Bullion Committee: "Could it be wise in the heat of a war, by so many ways to make the people unable to pay future taxes, and at once to pull down both money and credit, the pillars that supported the king and his subjects?

"Upon the whole matter," says he, "the managers should not have disturbed what was quiet. They imagined two millions of bullion, to repair the coin, might be as easily sent from Spain as a tun of wine."

The same collection of the Harleian MSS. affords another authority completely decisive of the question, how far the loss upon the exchange is to be ascribed to the depreciation of currency, and in what degree to the circumstances of the war. It appears, that the contracts between the Treasury and the Bank for remittances to Flanders were made upon various conditions at different times. Sometimes the Bank agreed to accept Exchequer-tallies, or other government securities, in payment for their remittances; in which cases the real loss by the exchange may be, in some degree, confounded with the discount upon the advances, or with the depreciation of the clipped money. In one instance, a licence to export 700,000 ounces of silver, notwithstanding the general prohibition, was granted to the Bank; and this licence lord Godolphin speaks of as equivalent to a premium of 20 per cent. Yet this very contract for remittance was made at the rate of ten guilders per pound sterling, or $16\frac{2}{3}$ per cent. loss, and with a further allowance to the Bank of 2 per cent. for management. And at other times the Bank stipulated for payment in new mint money, or in guineas.

In some of these latter cases, the Government was unable to fulfil its engagements, and a claim was made upon the Treasury, in 1696, by the Directors of the Bank, for a compensation for the losses which that corporation had sustained in 1695 and 1696, by being obliged to receive clipped money in payment, when they were entitled to guineas, or mint money of full weight.

The Memorial of the Bank was referred by the Treasury to lord Ranelagh, the paymaster-general, and his report is preserved among the Harleian MSS. I have already quoted.

He did not admit the full extent of compensation claimed by the Bank, but he recommended an allowance of $13\frac{1}{2}$ per cent. for the loss upon the clipped money, exclusive of a loss of about 20 per cent. on the exchange. Here, then, we have a distinct recognition of a loss by exchange of 20 per cent. clear of every other consideration which might affect the account;

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* See 8 W. 3. c. 2. 8 W. 3. c. 1. 8 and 9 W. 3. c. 26. 9 W. 3. c. 2.

and another evident example of what the Bullion Committee pronounces to be impossible,—a loss upon the exchange greatly exceeding the expence of the transportation of bullion, which could scarcely at this time exceed 2 per cent. to the ports of Flanders or Holland. And this loss, as in the instance of the wars of queen Anne, which I have lately mentioned, continued during a period of several years.

I must next notice that part of the Amendment in which it is stated, "that, during the seven years' war, and until the year 1774, the gold coin of the realm was in a state of debasement."

That the gold coin was, towards the close of this period, reduced in weight to the extent of four or five per cent. is indeed, true; and, as I have stated nothing on this subject in the Resolutions, I might pass by this observation of the Amendment without any remark.

I think, however, it may not be useless to observe, that, as in the former instance in the time of William 3, there is sufficient reason to conclude that the fall of the exchange was the cause, and not the consequence of the depreciation of our currency, there are many indications that this was the case in this latter instance also, though I will not venture here to state so decided an opinion.

I mean that there is reason to believe, that even after the foreign expenses of the seven years war had ceased, the balance of payments might be unfavourable to this country.

First, I should observe that we then, for the first time, began to import corn for our subsistence, instead of having a large surplus for exportation. From the beginning of the eighteenth century to 1758, we had an average exportation of above 500,000 quarters of wheat; but from 1764 to 1774, we had an average importation of 113,000.

Secondly, there was, during that period, a continued transfer of capital to America and the West Indies. The official value of the exports to North America, in ten years, from 1764 to 1774, compared with the ten years preceding, increased on an average from 1,700,000*l.* to 2,553,000*l.* The imports fell considerably short of that amount; but there is reason to believe that the balances, instead of being discharged by bullion, or other remittances, formed, for the most part, an actual transmission of capital from the one country to the other.

In the third place, it appears that the general balance of trade with all countries, except America, was much less favourable during the period which followed the seven years wars, than during any preceding part of the century. The official balances in the Custom-house books for ten years, ending in 1774, compared with the ten years preceding, show a considerable diminution of the balances in favour of Great Britain, although the general amount of the trade was much increased.

I am aware that the custom-house books afford an imperfect criterion of the real state even of commercial payments; but in periods so near to each other, they may at least be depended upon as bearing a nearly equal proportion to the real values in each of the two periods, and therefore showing the comparative general result with sufficient certainty. And I think it may be fairly inferred, that if the balance of payments, purely commercial, was in the period succeeding the seven years war in any degree favourable to Great Britain, it may not have been so, in a degree sufficient to counter-balance the dividends paid to foreign stock-holders, and the remittances made to British travellers or residents abroad. And though during the war the balance of trade had been more favourable to us, it was then counteracted by large subsidies and great naval and military expenses.

If these conclusions are (well founded, the long course of unfavourable exchanges will be accounted for at once, and may fairly be supposed to have produced the depreciation of our gold coin in the same manner as I have just shown that of our silver coin to have taken place during the wars of king William. The scarcity and high price of bullion would soon occasion an exportation of coin; and as the currency of the gold coin was not then restricted to any fixed weight, the heaviest pieces would always be selected for exportation; and thus a progressive depreciation of the coin would take place, and the attempt to counteract it by a fresh coinage, always carried on at a great expense, would be in vain, as the new coin would disappear as fast as it came into circulation.

I shall dwell no longer upon this point, because, whatever difference of opinion there may be between the learned gent. and myself, I do not think the evidence sufficiently clear to justify us in affirming any thing positive in a Resolution of the House.

The next point touched upon in this Amendment is the price of gold during the American war, which is said never to have exceeded the Mint price in any one year of the war; but I have had occasion, in speaking of the last Amendment, to show this assertion to be completely mistaken.

What follows respecting the state of the exchanges in the period immediately preceding the Bank restriction, will be more conveniently discussed in speaking of the Amendment on the tenth Resolution, in which the same circumstances are stated more at large.

There remains only the statement, "that there was no rise in the price of standard gold in bars immediately prior to the 26th of February 1797, nor for a considerable number of years before." This is a point of some consequence, as all the circumstances attending the restriction on the Bank must be important in a discussion of this kind; but never was a more complete fallacy disguised under a slender veil of evidence.

It is true that in the printed Tables no higher price of standard gold in bars appears than *3l.* 17*s.* 6*d.* per ounce. But the learned gent. has omitted to inform us in his Amendment, that for eleven months out of the eighteen immediately preceding the restriction, no price of standard gold is given, because there was none in the market, and that for two years preceding the restriction, no price of foreign gold is given except for one month only.

Independently, however, of this evidence from the very tables from which the amendment itself is taken, I should think it impossible to believe that the directors of the Bank could have been so devoid of common sense, as well as of regard to the public interest, as to suffer their treasure to be drained away to a degree which filled them with alarm, as appears from their correspondence with Mr. Pitt, laid before the Committees of both Houses of Parliament in 1797, while they could have replenished it by purchasing whatever quantity of gold they found necessary, without any loss. The evidence taken before the Committees of both Houses of Parliament, gives a very different view of their conduct. It shows their extreme anxiety to preserve, or to restore, the treasure of the Bank by all the means in their power. To this evidence, which is in the hands of every member, I shall, in order to save the time of the House, beg leave to refer, in a general manner, and only to trouble them with one or two answers of Mr. Newland, the cashier, to the Committee of the House of Lords.

"I believe," says he, "that gold within the last two years has been at a higher price than *4l.* 4*s.* per ounce, which is a great inducement for persons to melt the guineas which are circulated at *3l.* 17*s.* 10½*d.*"

He is asked, "Does the Bank ever pay more in their purchase of gold for it than the Mint price?" He answers, "Frequently."

"What is the highest price you ever knew the Bank pay for gold, per ounce?" He answers, "*4l.* 1*s.*—*4l.* 2*s.*—*4l.* 6*s.* and as high as *4l.* 8*s.*; but very seldom at those prices."

"State to the Committee at what time the Bank gave so large a price as *4l.* 8*s.*?"—"I believe," says he, "it was about two years since the Bank gave about *4l.* 8*s.* per ounce for gold; it was but a small quantity, it was soon stopped on account of its price.

With this evidence I shall leave the assertion of the Amendment, that there was no rise in the price of gold before the restriction on the Bank, and pass to the next amendment, that on the sixth Resolution, which states, "That taking the issues of bank-notes in circulation, not at their amount on a particular day, but on a fair average antecedent to any alteration of the exchanges and price of bullion, it does not appear, from the information which has been procured, that the price of gold has been highest and the exchanges most unfavourable when the issues of bank-notes had been considerably diminished, and have been restored to their ordinary rates subsequently to those issues being increased.

"That since the said restriction, the price of bullion has been highest, and the exchanges have been most unfavourable, at times subsequent to the periods in which the issues of Bank-notes have most increased."

This is no answer to my argument, and proceeds upon a misunderstanding of the object of the Resolution. What I affirm is, that the price of Bullion has frequently been highest, and the exchanges most unfavourable, at periods when the issues of Bank-notes have been considerably diminished. The hon. gent.'s Amendment denies that it has been so, taking a comparison of averages and not of particular days. If he means, that, upon a comparison of averages, it never appears to have been so (which would be necessary to support the theory of the Committee), I can abundantly prove that the fact is against him. But if he means only to deny that it has been uniformly so, my argument will remain untouched. My object is to show, that the issues of Bank-notes have produced no apparent effect on the exchanges and the price of bullion, in opposition to the theory of the Committee, who contend, that an increased issue of notes necessarily occasions an unfavourable state of the exchange, and a reduction of notes as uniformly corrects it. This theory cannot be well founded if any instances to the contrary can be produced. I have already mentioned several, but I will add another of more recent date. It appears by the accounts lately printed, that the amount of Bank-notes in circulation since January last, has been from two to three millions less than it was in the preceding summer, yet the exchange has since fallen 10 or 12 per cent. Or, as the learned gent. seems to think the question is most fairly to be tried by a comparison of periods of considerable length, I would desire him to examine the accounts contained in the Report of the Bullion Committee respecting the amount of Bank-notes and the rates of exchanges, from 1802 to 1809. If the increase of bank-notes depresses the exchange, and the diminution of bank-notes raises it, the exchange ought to have fallen, instead of rising, between 1803 and 1804, and to have risen, instead of falling, from 1804 to 1806. But for the same reasons an uniform issue of bank-notes must occasion a steady exchange, and an invariable price of bullion. In that period of seven years the amount of bank-notes was, however, increased only from seventeen millions to seventeen millions and a half, or less than 3 per cent. and the intermediate variations were not considerable. But the exchange varied about 11 per cent.; the price of foreign gold, about 8⅙ per cent.; that of standard silver, about 10; and that of dollars, 13⅑ per cent.

The Amendment proposed on the seventh Resolution, turns entirely on a question of degree, and, if admitted, would not affect the accuracy, though it might lessen the force and importance, of the Resolution. But I have, however, already had occasion to show, that in all the material parts it is unfounded in point of fact.

I now proceed to the Amendment on the eighth Resolution, the principal object of which appears to be to substitute an average account of the amount of bank-notes during periods of several months for their amount on particular days, and to enter in a more minute detail of the variations of the exchange during the years 1782-3-4. I had selected such dates as appeared to me to point out in the most striking manner, the fallacy of the principles assumed by the Committee, and the learned gent. has made no objection whatever to the accuracy of the statement; but I am so convinced that in any fair view of the case, whether taken on a comparison of averages, or of single days only, the result will be equally favourable to my argument, that I am willing to substitute for the eighth Resolution, a new one in which the fluctuations of the exchange are pointed out more minutely, which I beg leave to read to the House, viz.

"That the amount of bank-notes outstanding on the 1st of January 1781, was 6,794,620*l.* and was reduced on the first of October, to 5,967,790*l.* during which time the exchange fell from 34.1 to 32.2, and the price of foreign gold rose from 3*l.* 17*s.* 6*d.* per ounce, to 3*l.* 19*s.* 6*d.*; and dollars (which on the 2nd of March were at 5*s.* 4½*d.* per ounce) to 5*s.* 9½*d.*: that in the beginning of March 1782, the amount of bank-notes was increased to 9,160,000*l.* and that the exchange was then 32.10, foreign gold 3*l.* 19*s.* and dollars 5*s.* 8½*d.*: that in the beginning of December 1782, the amount of bank-notes was reduced to 5,995,000, and that the exchange was then 31.10, foreign gold 4*l.* 0*s.* 1*d.* and dollars 5*s.* 11½*d.*: that in June 1783, the amount of bank-notes was 6,970,000*l.* and the exchange 31.5, foreign gold 4*l.* 2*s.* 3*d.* and dollars 5*s.* 8½*d.*: that in June 1784, the amount of bank-notes was 6,717,000*l.* and the exchange had risen to 34.4, and gold had fallen to the mint price, and dollars 5*s.* 3*d.* and that the exchange continued at 34.6, gold at 3*l.* 17*s.* 6*d.* and dollars at 5*s.* 1½*d*, in February 1787, the amount of bank-notes being then increased to 8,688,000*l.*"

If the learned gentleman does not choose to accept my offer, I must adhere to the original Resolution, in which he has not pointed out the slightest inaccuracy.

To proceed to the Amendment on the ninth Resolution, which is, "That of the sum of 10,704,000*l.* stated to have been coined in gold from February 1787 to February 1791, the sum of 8,084,982*l.* was a recoinage from the light guineas of the realm."

It is true, as stated in the Amendment, that of the sum of 10,704,000*l.* coined in four years, from 1787 to 1791, no less than 8,084,982*l.* were recoined from light guineas. But this fact is so far from invalidating the force of the Resolution, that it rather confirms an argument I have before had occasion to use. I have observed, that when the exchanges were favourable for any considerable period, the coin which was become too light for currency, has been usually returned to the Mint for recoinage, because no profit could be obtained by the exportation of it; but that when the exchanges were unfavourable, the light coin was clandestinely exported as bullion, and the Mint supplied by foreign gold, imported at a considerable loss.

The period from 1787 to 1791, was one of great commercial prosperity and favourable exchanges, succeeding an expensive war and an unfavourable course of exchange. In consequence, a large quantity of British coin which had been sent abroad during the war, returned to this country, and was sent to the Mint for recoinage. This supposition is confirmed by the well-known fact, that some time after the conclusion of peace, large quantities of guineas came back from America, and by the great proportion which the recoinage of light guineas during the period we are speaking of, bore to that of the periods both preceding and subsequent to it.

In nine years, from 1778 to 1787, the sum recoined from light guineas amounted to 3,190,000*l.* or, on an average, to 354,000*l.* only in each year; in four years, from 1787 to 1791, to 8,850,000*l.* or 2,021,000*l.* in each year; in six years, from 1791 to 1797, to 4,000,000*l.* or 666,000*l.* in each year.

My object was to show, that between 1787 and 1791, a large addition was made to the amount of our current coin; and it is indifferent whether this addition was made by the recoinage of light guineas, or the importation of foreign bullion, unless it could be shown that those guineas became light, and were thrown out of circulation, during the same period. Upon the degree in which this might have taken place, every man will form his own judgment; but that in so short a term it was great, would be utterly incredible, even if their return to the Mint were not easy to be otherwise accounted for by the circumstances I have stated.

The Amendment on the tenth Resolution, like that on the eighth, does not impute any inaccuracy to the Resolution, but traces several intermediate variations of the exchange, which I have not thought it necessary to notice. Nor shall I now trouble the House with a minute investigation of these trifling circumstances, because any gentleman who may have a curiosity on the subject may easily satisfy himself, by a reference to the accounts upon the table, that during this period no visible connexion can be traced between the amount of bank-notes in circulation, and the course of the exchange.

The only remaining Amendment (that on the fourteenth Resolution) I have already anticipated by inserting in the Resolution the sums taken from an account presented within these few days to the House, instead of those which I had before placed in it from an earlier and less complete account.

I have now gone through this tedious, but necessary part of my statement; and I beg the House to recollect that the points I have been discussing are the only objections which the talents and industry of the Bullion Committee have been able to raise against the facts stated in my proposed Resolutions. I am of opinion, that I have given a complete answer to each of them; but if the learned gentleman thinks they can be supported, he has now the opportunity of doing so; and if I have still left any thing unexplained, I shall be able, in the course of the debate, to supply the deficiencies which may have occurred in my statement.

Assuming, till I hear the contrary, that I have satisfied the House of the complete historical accuracy of the Resolutions submitted to them, I must now call their attention more particularly to such of them as demand the judgment of the House on questions of litigated opinion, or of practical effect.

In the discussion of these points, I now stand upon ground of much greater advantage than when I addressed you some days since, not only from the rejection of the Resolutions moved by the learned chairman, but from the established accuracy of the series of historical Resolutions, now under consideration, the objections to which I think I have refuted.

I know not, indeed, whether I am at liberty to claim this admitted accuracy as applying to the first Resolution. It is a Resolution declaratory of law, as well as of historical fact; but equally capable of being combated by an Amendment, pointing out its inaccuracy if any exists. If I have laid down the prerogative of the crown erroneously, why are not the statutes, the declarations of Parliament, the authentic documents of any kind, which prove my error, embodied in an Amendment to oppose me? I should, therefore, be entitled to assume, that no solid ground of objection could be found.

But as I am desirous, if possible, to avoid troubling the House a third time, and as many comments of various kinds have been made on this Resolution, and on the subject of the standard of money connected with it, I think it may be proper to say something respecting it, before I call upon the House in form to adopt it.

I have been charged by the right hon. gent. opposite (Mr. Canning) with rejecting "altogether the established doctrine of a fixed standard of the currency of the realm; and with bending and accommodating the fundamental principles of our money system, to the state of our currency, such as I happen to find it."

I answer, that neither in this Resolution, nor in what I have said on a late occasion, respecting the standard of money, have I referred at all to the present state of our currency, as consisting chiefly of paper, but to the legal metallic money of this kingdom. What I affirm is, that a fixed and invariable equivalency between our legal money and bullion, never has been established by our laws. I have proved it in practice by showing, that very different weights of silver money are, and always have been, equally current as a legal tender. It is not less easy to prove in theory, that, until our laws are altered, it is impossible this equivalency should be preserved. So long as the exportation of our coin is prohibited, the merchant who wants to send gold abroad must be contented to give more for such bullion as may be legally exported, than its weight in legal money. This is not a law of recent date—not an attempt to bend and accommodate the principles of our money system to the state of our currency. It is what the Bullion Committee themselves call the ancient policy of our law. They call it, indeed, doubtful and questionable policy (and such I too think it); but it is a point on which they do not hazard an opinion—they do not recommend its repeal. Yet they contend, that bank-notes are depreciated because they have not an equivalency, which our legal coin never had, and, till our laws are altered, never can have. The value of our money may not only fall short of bullion, but may, under different circumstances, exceed it. That this might happen while a seignorage was taken on our coins, as it does in other countries where that is the case, is obvious; but we have a more recent instance of a different kind.

It is well known, that any person may carry gold bullion to the Mint, and is entitled to have it returned in coin, free of expence, the charge of coinage being borne by the public. While this is the case, gold bullion can never be materially cheaper than its weight in coin; or, in other words, can fall but little below the Mint price; that is, no more than may be equivalent to some trouble, and a small loss of interest occasioned by the delay. The same law subsisted with respect to the silver coin, till a few years ago; and therefore, standard silver bullion could never fall much below the Mint price of *5s. 2d.* an ounce. But in 1797, an Act was passed, prohibiting silver coinage; and since that time, standard silver has fallen as low as *5s.* Now will the right hon. gent. deny, that, at such a time, a pound weight of standard silver bullion might have been purchased and paid for in legal silver coin, worn down to no more than eight ounces weight; or will he, in such a case, affirm the exact equivalency of coin to bullion, and say, as some who maintain the same opinions have said, that a pound of silver, is, and always must be a pound of silver and nothing else, all the world over?

The right hon. gent. tells us, that "a pound sterling is either $\frac{20}{62}$ of a pound of standard silver, or $\frac{20}{21}$ of a guinea weighing not less than five penny-weights, eight grains. This is the simple, and the only definition, which the practice of our ancestors recognises, and the law of the country allows."

Let us now consider what the practice of our ancestors has really been, and what the law really is. We shall find, that, in the practice of our ancestors, the weight of silver, of the present standard fineness, contained in a pound sterling, has varied from eleven ounces, five penny-weights, to no more than seventeen penny-weights. With respect to the law, we know that the greater part of our silver currency now passes legally current, not at $\frac{20}{62}$ of a pound weight, but $\frac{14}{62}$ or $\frac{15}{62}$ to the pound sterling. I beg not to be understood as defending the debasement of our money, which has, at various times, taken place; or as contending that the present state of our silver coin is not an evil. Neither am I discussing the true principles of legislation with respect to currency, or inquiring whether it might not be wise, by some regulations like those of the banks of Amsterdam and Hamburgh, or in some other way, to establish an equivalency of value between money and bullion. The right hon. gent. appeals to fact and law, and I am showing that fact and law do not support him. Upon these grounds alone am I reasoning, and on these alone the Resolution turns.

I have hitherto been speaking of the silver coin, which, till within modern times, was the only legal measure of value. Not only Mr. Locke, but a much later writer, Mr. Harris, in his sensible and useful work on coins, published so late as in 1757, contends that it is the true and only measure which can be properly established. But all I have said applies equally to the gold coin at any time previous to 1774, and the period from that time to the present has not only been much too short to constitute an instance of settled and established policy, but has been throughout a period of deliberation and suspense with respect to a revision of our monetary system, which temporary circumstances have always prevented from being completed and carried into effect. And it is observable, that it seems to have been in contemplation in 1774, when the current weight of the guinea was first fixed, to have limited the current weight of the silver coin also, as the same act which provided for the fabrication of weights and scales, for the gold coins, directed weights to be prepared for the silver coins also, although no limitation of their current weight was, in fact, established.

Thus far I have spoken of the weight only of our coins; but the Resolution is purposely so drawn as to assert the prerogative of the crown to regulate their fineness also, in all cases not settled by Act of Parliament. I am aware that some respectable authorities may be adduced to controvert this position, at the head of which is that of sir Edward Coke. But when I find it laid down as indisputable by so great a lawyer as sir Matthew Hale, and affirmed, after an elaborate and able review of the question, by lord Liverpool, I cannot doubt on which side the weight of authority prevails. But above all, when I find that, in the course of ages, the legality of this prerogative appears never to have been questioned in any parliamentary or public document, though the mode of its exercise has been frequently and justly complained of, I cannot hesitate in recommending this Resolution to the House as a just exposition of the law.

In the course of this debate, the statute of the 25 Edward the third, chapter 13, has been quoted as controlling this prerogative; and sir William Blackstone seems inclined to consider it in that view. But if this interpretation is to be put on that statute, and it is to be considered as applying to gold coin, every guinea which has ever been struck has been a violation of it, and it has never, in any instance, been obeyed since the time of Charles the second. For since that time, no gold money has ever been struck of the old standard of 23½ carats fine. Yet I do not find that the introduction of this new standard (as it was called) of twenty-two carats fine by Henry the eighth, or that of inferior standard he also introduced of twenty carats fine,* or even the enormous debasement of the silver coin in the reign of Edward the sixth, was ever considered as illegal, however justly condemned as impolitic and injurious. Nothing is more easy, but nothing more fallacious, than to argue from the abuse, against the use; and to contend, that a prerogative does not exist, because, if unwisely or corruptly exercised, it may produce consequences injurious to the public. Power must, in every government, be lodged somewhere. And every prerogative is vested in the crown for the benefit of the people, subject to the responsibility of the advisers of the crown, and to the superintendence of parliament. What prerogative can be more important or more dangerous to the public than that of war and peace, and what other security than those I have mentioned, has the nation against unjust and impolitic wars?

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* These three different standards of gold coin are distinguished by the names of angel gold, crown gold (which is the standard now in use), and sovereign gold.

Among the artifices of debate which have been resorted to on this occasion, one of the most common has been the introduction of great names as authorities in the question; but when the opinions of the great men so ostentatiously mentioned come to be examined, they will be found either to have no reference to it, or an effect contrary to that for which they were brought forward.

I might have been terrified with the introduction of lord Liverpool as an authority against my opinions, if I had not known that that nobleman states the royal prerogative very nearly in the same words as I have used in my Resolution: and even that a great part of his valuable work is taken up in discussing the mode in which that prerogative, which, following sir Matthew Hale, he treats as indisputable, ought to be exercised.

I should still more have shrunk from the weight of a yet greater name, that of sir Isaac Newton, if I had not recollected that his Report, instead of confirming the purpose for which it was cited by the hon. gent. in reality destroys it. It was produced to support the doctrine of an invariable standard of currency; but, unfortunately for the argument, Newton concludes by recommending an alteration of the current value of the guineas from *21s. 6d.* to *21s.*

This recommendation was actually carried into effect; and it is observable that the Parliament in 1717, was so sensible, that this was a subject properly belonging to the prerogative of the crown, and so cautious of interfering with it, that, instead of proceeding by act of Parliament, both Houses addressed the King to issue his proclamation.

I recollect only one other circumstance connected with the subject of this first Resolution, to which I think it necessary to call the attention of the House. It is that of a proposition, first, I believe, brought forward by the hon. gent. opposite (Mr. Huskisson), in his able publication on the Bullion Report, and since repeated both by him and his right hon. friend (Mr. Canning) in their speeches, to allow the circulation of guineas, or at least of such guineas as are below the current weight, at whatever value they might find in the market. On this I must observe, in the first place, that light guineas are already a marketable commodity, they are no longer current money, but mere bullion, and may be lawfully bought and sold as such, though not for the purpose of exportation. But what a curious measure of value would those hon. gentlemen introduce by means of a currency which would have no fixed value in itself; when, in every purchase, there must be a double bargain, first, for the commodity, and next for the rate at which the money shall be received, which must, in all cases, be weighed with the greatest exactness!—a measure subject to daily variation, to continual dispute, and every species of fraud and imposition; for how are the peasantry of the country, for instance, to know and follow the fluctuations of the bullion market in London, and always to carry with them exact weights and scales? We should, indeed, possess metallic money, on which those gentlemen lay so much stress, but divested of every quality which makes money valuable as an instrument of commerce.

And what then will become of all their arguments respecting a fixed invariable standard, in commenting upon which, I have been obliged to trouble the House so long?

But suppose the rate at which this new currency, the light guineas, shall pass, to be regulated by public authority, by proclamation, or by Resolution of the House of Commons, if it is thought right, as their arguments seem to imply, to take this branch of the prerogative from the crown, are all light guineas to pass at an equal rate—is one which has lost twenty grains of its current weight to be equal to another which has lost only one, or is the value to be regulated by weight? In this case, we return to the inconveniences of continued weighing and all the tricks which may attend it. And what security is there that the Resolution, which fixes the value of coin this week according to the price of the bullion market, may not vary from it the next, and the boasted equivalency of money and bullion be again as much lost as it is at present?

After all, what is such a suggestion but a proposal to debase the standard of money, by raising the denomination of the coin—an idea at which those very gentlemen express so much horror as to exclaim against a Resolution acknowledging the prerogative of the crown, because they think it may possibly be understood to imply that some such measure is in contemplation, though it has been most distinctly disavowed both by the advisers of the crown, and the framer of the Resolution himself.

But this proposition is particularly ludicrous as coming from that right hon. gent. after the ridicule with which he, like some other gentlemen, has treated the additional value lately given to the Bank dollar tokens. I am far from commending that measure in the manner in which it was carried into execution; but it is liable to no one objection to which the right hon. gentleman's proposal is not exposed, and it is free from the most important.

The dollar token bears no public authority, but is a mere silver note of the corporation of the Bank of England, and receives its value from their engagement to make it good at a certain rate. If they were to choose, for whatever cause, to undertake to pay eleven pounds for every ten pound note issued before a certain day, I know not who could have any right to complain of them. And if the Bank were to issue golden tokens, though for other reasons, I might think such a plan objectionable, I should not complain of their want of weight, though as light as any of the right hon. gentleman's proposed money. But the light guinea, according to his plan, would be issued by public authority, and with all the circumstances attending a legal coin, and would, therefore, be neither more nor less than a debasement of the standard.

On the second Resolution it is unnecessary to dwell; I therefore pass to the third, which has substantially been the great subject of our long debate so far as opinion is concerned.

It calls upon the House to pronounce its distinct judgment of the falsity of those opinions, which maintain the notes of the Bank of England to be depreciated in the ordinary and popular sense of that word, that is, in the sense of their having lost their value compared with the legal coin of the country.

This Resolution has already been the subject of much wit, much ridicule, much loose and far-fetched argumentation; but, I think, of very little sound reasoning or distinct evidence, on the part of those who oppose it.

My first appeal was to facts, because, in a case referring to the daily business and habits of life, facts cannot be wanting. In opposition to the daily evidence of the equivalency of Bank-notes and cash with which every man's experience must have furnished him, all the industry and research employed on this occasion have only supplied two or three instances, not of an established difference of price, but of single private transactions, all of them resting on hearsay (though I do not mean to dispute their truth), all of them attended by some circumstances which would lead to a suspicion of an intended illegal exportation of the coin.

With a view to place the question upon the ground of facts more authenticated and of greater notoriety, I referred to the absence of all legal proceedings on this subject. It was immediately hinted to me that such proceedings had taken place. My learned friend (Mr. Morris) has since produced his instance; and if ever a rule was proved by its exception, it is the rule which I have laid down of the equivalency of Bank-notes to cash. The case produced is that of Grigsby and Oakes, in 1800, of which I probably must have heard at that time, though it had escaped my recollection when he alluded to it.

In this case an action was brought by a gentleman against a country banker who offered payment for some of his own notes in notes of the Bank of England. This payment was rejected by the plaintiff, who demanded that a five pound note should be paid in guineas; and, on the refusal of the banker, brought his action. He obtained a verdict under the directions of the learned judge, and it was confirmed by the unanimous opinion of the court of common pleas, who determined that Bank notes were not a legal tender.

This case, therefore, proves that my statement of the law a few days ago was correct, and that eleven years since it was solemnly adjudged and publicly known, that Bank notes are not a legal tender; and if, from that time to the present, they have passed generally current, and no other action has been brought, can a stronger instance be given that they continue to be supported by public opinion (as is affirmed in the Resolution) without the force of law.

There were some circumstances attending the original trial which I have learnt from an eye witness, and which seem to me not undeserving of the attention of the House. The learned judge (Mr. Justice Heath), in the first instance, recommended to the jury, to find a verdict for the plaintiff. After a few minutes consultation the jury, however, brought in a verdict for the defendant. Mr. Justice Heath, deeming the verdict an improper one, refused to take it, and, after explaining to them how he understood the law to stand, recommended to them to reconsider their verdict. They again consulted, and, after a short time, the foreman turned about, and said, "My lord, we find for the defendant." Nor was it till after a serious admonition from the learned judge, that it was their bounden duty, under the oath they had taken, to sacrifice their honest feelings to the strict law of the case, that they could be prevailed upon to return a conditional verdict for the plaintiff, subject to the opinion of the court on the point of law.

Nothing can more strongly prove the state of public opinion at that time, than the circumstances of this trial; nor is it possible to have more conclusive evidence of its continuance, than that from 1800 to this day, no fresh action has been brought, notwithstanding so clear and authoritative a declaration of the law.

A right hon. gent. opposite (Mr. Canning), in commenting on this Resolution, treated with great ridicule the idea which he supposed me to entertain, that public estimation could be the true standard measure of the value of a currency; and the common measure of the two parts of a currency, as compared with each other. I beg to remind the right hon. gent., that I never hinted, much less stated in a formal Resolution, that the value of a legal currency was to be measured by public estimation. But of the value of a paper currency, a currency purely representative, public estimation is the true and only measure. By what other measure would the right hon. gent. try the depreciation of Bank-notes? Whether he infers that depreciation from a comparison of notes with legal money, with bullion, or with any other article, public estimation is still the rule which ascertains their comparative value.

The legal coin has a specific value affixed to it by law. The notes of the Bank of England profess to have the same value; but whether they actually possess it, must be decided by the public opinion. That opinion is proved, and proved incontestably, by the general and acknowledged practice in ordinary transactions. This is my answer to the question put to me, by what measure the equivalency of Bank notes and cash was to be tried; and it agrees in substance with that given by the noble lord opposite to me (lord Castlereagh), who referred to the equal value allowed for each in the purchase of commodities as the test of their equivalency. Among commodities I certainly include bullion; but the question would be less fairly tried by an inquiry into dealings in bullion than in any other article, on account of the temptation which must always occur to convert the gold coin into bullion of superior value by illegally melting it down. The comparison ought, therefore, in this case, to be made between purchases of bullion paid for in Bank notes and in silver coin, with respect to which the same temptation does not exist.

Upon this subject the right hon. gent. and his friends are very willing to talk largely, but not equally willing to come to a definition. I took the liberty of asking the gentleman next him, in what sense he used the word depreciation, because, both from his general accuracy, and the peculiar attention which we all know he has paid to the subject, I thought him the most likely to give me a clear answer.

He gave me no answer at the time; and though he afterwards answered, not my question, but my speech, at great length, and, as usual, with great ability and information, he really at last left me at a loss to know what he meant upon this simple point.

The right hon. gent. however, afterwards took the place of his friend, and gave an answer to my question: "The alledged depreciation of Bank-notes consists," says he, "in this, that whereas they did, in fact, represent heretofore the real as well as the nominal value of the coin which constitutes our lawful money, they now represent its nominal value only." If by real value the right hon. gent. means the value of the metal contained in the coin considered as bullion, and by nominal value the legal current value of the coin, according to its denomination (and I cannot give any other intelligible sense to his words), he may safely vote for my Resolution, for I only affirm that Bank-notes are equivalent to the legal current value of the coin; and the only difference between us will be, that he affirms that they heretofore did represent the bullion value of the metal, which I deny.

I affirm, on the contrary, that they have represented sometimes more and sometime less than that bullion value; nay, sometimes both more and less at the same time; and even that they represent both more and less at this very moment. This may seem paradoxical; but I beg the House to remember, that if Bank-notes are of less value than the gold contained in the gold coin which they represent, they are of much more value than the silver contained in the silver coin which they equally represent, and which is equally legal money.

If the right hon. gent. contends that they are depreciated eighteen or twenty per cent. because they are of so much less value in the bullion market than a quantity of standard gold equal in weight to their denominative value in gold coin, I have an equal right to affirm, that they are at a premium of twelve or fifteen per cent. because they are worth so much more than the silver contained in an equal denominative value of our present silver coin.

The argument is equally good in both cases, but indeed, in my opinion, little better than trifling in either. For the right hon. gent. forgets that when an ingot has passed through the Mint it loses the character of bullion, and can never legally resume it. The price of bullion bought with money, as it was before the Bank restriction, varies, therefore, as frequently as when bought with Bank-notes. Instead of its remaining fixed and invariable at the Mint price, we find by the accounts upon the table, that in seventy-eight years previous to the restriction, gold bullion was at, or under, the Mint price only twenty-eight years and a half, and silver bullion no more than three years and two months. Yet it is now contended that Bank-notes are depreciated because they do not preserve an equivalency to bullion, which, except at short and uncertain intervals, our coin never did. That equivalency is absolutely precluded by the laws which prohibit the melting down and exportation of our coin as bullion.

I am not arguing in defence of the policy of those laws, though it is much easier to see their defects, than to devise a system which shall be free from inconvenience. The Bullion Committee, who have not ventured to recommend the repeal of those laws, and have not even entered into any formal discussion of their operation and tendency, or suggested any other measures which might be substituted for them, but who merely—

"Just hint a fault, and hesitate dislike;"

yet as well as the right hon. gent. constantly argue as if no such laws existed, or as if they were totally obsolete, and had no operation whatever. The fact is, that those laws have a real and not inconsiderable, though by no means an effectual operation; and it is precisely this state of things which constitutes one of my principal objections to the resumption of cash payments.

If the exportation of coin were free and lawful, the Bullion Committee could not recommend the removal of the Bank restriction, unless gold could be obtained sufficient both for our internal use and for exportation; and the moment they could prove that such was the case, I should most willingly concur in their recommendation.

On the other hand, if the exportation of coin could be effectually prevented, I should see much less objection than I do to the removal of the restriction, because I do believe it to be possible, though at a considerable sacrifice, to procure as much gold as might be sufficient to supply our internal circulation; and I should think the object worth a considerable sacrifice, though whether to the extent which might be necessary, would require a careful examination.

But, in the present state of the law and the circumstances attending it, the real effect of the removal of the restriction could only be (and the real object of many of those who are clamorous for it, however they may have concealed their views from the Committee, I have no doubt is) merely to throw upon the Bank the loss arising from the purchase of bullion at the present advanced rate, in order to profit by the illegal exportation of the coin produced from it. In this object they would, for a time succeed, though commonly at the expence of perjury to themselves, and always of embarrassment and stagnation to trade in general, while the professed and ostensible objects of the measure would be entirely frustrated.

I am unwilling to revert to the argument for the depreciation of our currency, drawn from the state of the exchanges, having, on a former night, troubled the House for a considerable time, upon that subject, and not thinking that my arguments have received any answer which calls for a reply on my part. I cannot, however, omit to notice an important admission made by the learned chairman in his reply; an admission which, indeed, flowed so evidently from the principles which he assumes, that his sagacity could not fail to observe, and his candour to state it.

He admitted that the unfavourable state of the exchange would afford no presumption of the depreciation of our currency, unless the depression were general; and that, if there were any country whatever to which the depression did not extend, its existence in other cases might be inferred to arise from other causes, and not from the state of our currency.

What then will he say if I am able to name a country, a rich country, a commercial country, and one with which we have extensive relations of trade, the exchange with which has not only not become unfavourable, but has considerably improved during this supposed depreciation of our currency?

That country is India. The computed par of exchange between Calcutta and London is 2*s.* 6*d.* for the sicca rupee, and, as at least twelve months interest must be allowed upon a bill at six months sight drawn from such a distance, the par of bills drawn at Calcutta may be about 2*s.* 8*d.* and of bills drawn at London about 2*s.* 4*d.* The actual course of exchange for bills drawn at Calcutta from 1800 to 1808, was 2*s.* 8*d.* for the sicca rupee. In 1808, it fell to 2*s.* 7*d.*; in 1809, to 2*s.* 6*d.*; in May 1810, to 2*s.* 5*d.*; and about December last, to 2*s.* 4*d.* I am aware, that the high value set, in the course of exchange, on the sicca rupee, arises from a seignorage paid at the Indian Mints, and that its intrinsic bullion value does not exceed 2*s.* 1*d.* This, however, was long ago the case under the Mogul government, the Mint regulations of which have never been altered. In sir Isaac Newton's Table of Assays, the value of the rupee is stated at no more than its actual intrinsic value; but from that time to the present, its value in exchange has been estimated at 2*s.* 6*d.* It is accordingly so estimated in a collection of tables of weights and coins which I have now in my hand, and which was printed in 1749. I shall consider myself as dispensed from discussing any theoretical question as to the propriety of estimating the par of exchange with reference to any seignorage taken upon the coin, by the authority of Adam Smith, whose words I beg leave to read:

"In some countries, the expense of coinage is defrayed by the government; in others, it is defrayed by the private people, who carry their bullion to the Mint, and the government even derives some revenue from the coinage. In England, it is defrayed by the government, and if you carry a pound weight of standard silver to the Mint, you get back 62 shillings, containing a pound weight of the like standard silver. In France, a duty of eight per cent. is deducted for the coinage, which not only defrays the expence of it, but affords a small revenue to the government. In England, as the coinage costs nothing, the current coin can never be much more valuable than the quantity of bullion which it actually contains. In France, the workmanship as you pay for it, adds to the value in the same manner as to that of wrought plate. A sum of French money, therefore, containing a certain weight of pure silver, is more valuable than a sum of English money, containing an equal weight of pure silver, and must require more bullion, or other commodities to purchase it. Though the current coin of the two countries, therefore, were equally near the standards of their respective Mints, a sum of English money could not well purchase a sum of French money, containing an equal number of ounces of pure silver, nor consequently a bill upon France for such a sum. If, for such a bill, no more additional money was paid than what was sufficient to compensate the expense of the French coinage, the real exchange might be at par between the two countries; thus debts and credits might mutually compensate one another, while the computed exchange was considerably in favour of France. If less than this was paid, the real exchange might be in favour of England, while the computed was in favour of France.*"

This celebrated writer, indeed, lays down the rule somewhat more extensively than I think strictly accurate, as it appears to me to be subject to some modifications into which I shall not now enter, as they do not apply to the present case. And I think it the less necessary, as it appears to me much more important to show that the exchange has improved, than that it is actually favourable. For it appears to me impossible that any country should at the same time have an improving exchange and a currency progressively depreciated; and, from the learned gentleman's admission, it is clear, that he is of the same opinion. Now, it is undeniable that the exchange with India has improved above 13 per cent. during the very period that our currency is supposed to have been depreciated from 20 to 25 per cent.

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* Wealth of Nations, book iv. c. 3, vol. ii, p. 216, edit. 1784.

I cannot avoid figuring to myself what the Bullion Committee would say were they now sitting at Calcutta, and reporting the result of their inquiries to the government of India. It would be clearly proved to them, that for the last three years the exchange had gradually been falling, in a degree exceeding the expence of sending bullion abroad, and that, in fact, it was notoriously exported. "The case is clear," the Committee would say; "you have an excessive paper currency, which is become depreciated." The Indian government might then take the liberty humbly to represent, that this must be a mistake, as there really was in India no paper currency whatever. The Committee would then be completely at a loss, and, after an infinite number of conjectures, might be forced to concur with the merchants of Calcutta in thinking that these unfavourable appearances were really owing to internal peace, a reduction of public expences, and an abundant sinking fund, which had enabled the government to reduce the interest of the public debt.

So various are the causes to which, in cases of this kind, effects may be traced, and so much are those liable to error who direct their views exclusively to a single point of the subject.

I think it unnecessary to detain the House longer on this question of depreciation, because I consider it as already decided by a great majority in the rejection of the learned chairman's thirteenth Resolution. We are now discussing not so much whether Bank notes are actually depreciated, as whether it is proper for the House to declare that they are not; so far, I mean, as it may be proper to settle that point in this general debate, in which the first Resolution only is regularly before us. Among those who agree with me upon the question itself, I think there can be no great doubt of the propriety of solemnly recording the opinion of the House. For if any effect is to be produced on public credit by the decision of parliament; if the impression occasioned by the Report of the Bullion Committee is to be counteracted by a solemn and deliberate judgment of the House at large, these consequences can only follow in proportion as that judgment is distinct and unequivocal. To pronounce no opinion, would be to leave it in perpetual doubt what the sentiments of parliament really were, and whether the rejection of the learned gentleman's Resolutions was not the effect of some difficulty of mere form, or, at most, of a doubting, hesitating, uncertain opinion, to which the House did not choose to stand distinctly committed. Accordingly, I have heard no gentleman express a doubt of the expediency of voting some such Resolution as I propose, except those who have thought the Resolution itself erroneous in point of fact.

Whether the precise form in which it now stands is the best which can be adopted, will be a question hereafter when the Resolution comes regularly before us. I am not anxious for any particular words, so long as the opinion of the House is clearly, fully, and unequivocally expressed. But here I must say, that no gentleman who has not objected to the substance of the Resolution, has hitherto offered any criticism on its form.

On the remaining Resolutions, it cannot be necessary that I should comment at much length, as their accuracy in point of fact is admitted, with the exception of the objections stated in the learned chairman's proposed amendments, which I have already discussed and I hope, sufficiently refuted.

The ten following Resolutions, from the fourth to the fourteenth, are occupied in a review of the most remarkable facts relating to money and exchanges, which have taken place since the Revolution, and comprise that chain of historical evidence upon which my own opinion has been formed, and which I desire the House deliberately to weigh in their decision of the great practical questions arising out of this discussion.

I might have taken a still longer retrospect, but, in proportion as we recede from the present times, our materials become more scanty and imperfect, especially with regard to subjects which have usually been little noticed by the general historian. The period of the Revolution is, perhaps, the first in which the political and commercial affairs of Europe, and especially those of our own country, assumed the aspect they have borne in modern times, by which I mean those which immediately preceded the terrible convulsions, through which it is now our duty to assist in guiding the state. It is also a period, to which the Bullion Committee have thought fit to call the attention of the House in a particular manner, and which, therefore, it would have ill become me to neglect in discussing the opinions they have advanced; and it is not an unimportant circumstance, that about this very period, the Bank of England, on whose operations so much of our question turns, first took its origin.

It is upon an impartial and accurate comparison of the events which have occurred (so far as they relate to our present subject), from the Revolution till the Bank restriction, with those that have happened since that measure took place, that I wish the House to form their decision; and I have endeavoured, in these ten Resolutions, to draw into the smallest possible compass the principal materials of such a comparison. Those gentlemen who may be inclined to go into more minute detail, will find abundant matter for research in the papers on the table, and some other documents to which I have had occasion to refer; and I shall be ready, so far as I have been able to make myself master of so extensive an inquiry, to go with them into the examination.

But the general result of such a comparison appears to me to be, that, from the Revolution to the Bank restriction, the course of exchange has never suffered any material derangement from any cause arising within the realm, except the scarcity and dearth of grain, and the confusion occasioned by the South Sea scheme. The mode in which a dearth of grain operates on the exchange, is too obvious to require any observation; but the effects of the South Sea project have been noticed by the learned gent. in one of his amendments, and are worthy of a few minutes' attention, not as supporting, but as overturning the ideas of the Bullion Committee. The effects of the imaginary and fictitious wealth, and the prodigious rapidity of circulation produced in the kingdom by that project, must while the delusion lasted have been the same as those of a great multiplication of paper currency. It ought, therefore, according to the ideas of the Committee, to have occasioned a considerable fall of the exchange, and a rise of the price of bullion. This, however, was not the case. The exchange continued stationary, or rather became more favourable, while the price of South Sea stock was rising; but when it fell from 800 per cent. to 150, and our visionary treasures vanished like a dream, the exchange fell likewise about 7 per cent. and the price of bullion rose, and continued considerably above the Mint price for a twelvemonth.

This, according to the Bullion Committee, may perhaps be impossible. It is, nevertheless, the fact, as appears by the accounts on the table. And upon the vulgar mercantile principles of credit and confidence, it is easily explained. While the delusion lasted, foreigners were anxious to obtain a share of our imaginary mines of wealth, and poured their capitals into this country; but as soon as the bubble burst, and despondency took the place of presumption, they were anxious to save what they could from a country whose affairs seemed to be falling into inextricable confusion.

But while the course of exchange seems to have been uninfluenced by internal causes, except in the cases I have mentioned, it has felt the operation of causes arising abroad in every instance in which their effect could reasonably have been expected to be considerable. In the wars of king William it was depressed in a degree fully equal to the present; and, indeed, the difficulties of that period appear, in some other respects, to have borne a near resemblance to those which we now feel.

In the wars of queen Anne, the fall of the exchanges was considerable, and entirely unaccountable upon the principles of the Committee, as the coin was then in an excellent state. The depression was not, however, equal to what it had been before the peace of Ryswick, the government being more firmly settled, and public credit better established.

After a long interval of peace, we were again involved in war, and military operations were carried on abroad about the year 1740. The accounts relating to this period had not been presented to the House when the Resolutions, now under discussion, were prepared. They have since been produced; and it appears, that the course of exchange was affected by these hostilities, though, as might be expected, in a much smaller degree than in either of the former cases. The British trade had been greatly extended, and become better able to bear the pressure of the foreign expenses of the government.

After an interval of eight years, from the peace of Aix la Chapelle, the seven years war commenced; and this war is admitted by the learned gent. in his amendments, to have been attended with a depression of the exchange, which he can only account for by the supposition of a depreciation of our gold coin. I have already assigned my reasons for thinking that the depreciation of the gold coin which began during this war, and continued till the recoinage in 1774, was (like that of the silver coin before the peace of Ryswick) not the cause but the effect of an unfavourable course of exchange, and have endeavoured to point out the real causes which occasioned its continuance after the return of peace. To what I have already said respecting this period, I shall only add a remarkable circumstance which appears on the accounts from the Mint, namely, that in the whole term of thirteen years from 1760 to 1773, only 54,600*l.* in light guineas were carried to the Mint, while 8,758,000*l.* were coined from foreign gold purchased at an advanced price. So considerable were the sacrifices which it was found necessary to make to supply the continual drain of our coin by an unfavourable exchange.

We are now arrived at the period of the American war, which I have before had occasion to discuss, and upon which, therefore, I shall only remind the House, that the pressure upon our currency became so great as nearly to have occasioned the necessity of a restriction on cash payments, or some similar measure, the treasure in the Bank having been reduced, in 1783, even lower than it was when the restriction actually took place.

From this time till within four years of the Bank restriction, was a period of peace and unusual commercial prosperity; but the renewal of war, in 1793, was accompanied by a considerable failure of mercantile credit. That, indeed, was not of long continuance; but the increasing amount of our military expenses abroad, and of the demands of our allies, produced a considerable drain of our currency; and though the exchange recovered itself after the British army was withdrawn from the continent, and the pecuniary assistance given to our allies was reduced within narrower limits, yet, from a succession of unfortunate events, credit received a shock which rendered the effects of any alarm extensive and formidable, and at length made it necessary to impose the restriction on the Bank in consequence of an attack upon our coast too feeble and desultory to have been of any importance in times less critical.

Let us now compare the events of which I have given this hasty sketch, with those which have taken place since the restriction; and if we find the same causes existing, and the same effects produced, can we hesitate to acknowledge the connexion between them, and to ascribe the effects to the operation of the causes?

About the time of the Bank restriction, peace was restored upon the continent, our foreign expenses were greatly reduced, and the exchange became favourable to an extraordinary degree, a degree, I believe, never equalled. Yet this was precisely the period of the substitution of a paper circulation for metallic currency, and also of a great addition to this paper circulation, the average amount of Bank-notes, in 1798, exceeding, by four millions, their amount when the restriction was imposed.

In 1799, the continental war was renewed, and our foreign expenditure increased in a variety of ways by military exertion. But a calamity awaited us much more seriously affecting the state of our currency. The failure of two successive crops raised the price of grain to an unprecedented height, and compelled us to avert a famine by an expense in the importation of corn of at least twenty millions. The combination of these circumstances produced a fall in the exchange between January 1799 and January 1801, of above 20 per cent. Can any man doubt that these were the true causes of the fall? During the wars of king William, the exchange fell to an equal degree, though not so rapidly; but though the military exertions of our ancestors at that time were, perhaps, even more burdensome, compared with the resources of the nation, than those of the present day, can they be supposed to counter-balance the additional calamity of such a scarcity? If, however, a doubt could still be suggested, the events which immediately followed must remove it. In 1801 and 1802, we were blessed with favourable harvests, and peace was signed; and before December 1802, the exchange had risen 13 per cent.; the Bank restriction still continuing in force, and the amount of Bank-notes in circulation having progressively and considerably increased.

This recovery of the exchange, under such circumstances, appears to shake the confidence of my hon. friend near me (Mr. H. Thornton) in his own principles. He acknowledges that it gives him some hope for the future, and he seems unable to point out any distinction between that case and the present, except that the depression is now somewhat greater, and has continued longer. The greater degree of depression is easily accounted for by the difference of circumstances distinctly stated in the twelfth and thirteenth Resolutions; and with regard to its continuance, I beg my hon. friend to recollect, that in 1801, the depression continued till its causes were removed, by the return of plenty, and the signature of the preliminaries of peace. If the peculiar causes which have produced the present still more unfavourable state of things were removed, I entertain not only a sanguine hope, but a firm conviction that their effects would quickly disappear. If in this expectation I shall hereafter appear to be mistaken, then, and then only, I may allow the reasonings of the Bullion Committee to be well founded.

That the peculiar and unprecedented circumstances pointed out in those resolutions are sufficient to account for the greater and more lasting depression under which we now suffer, I think no man who impartially considers the experience of former times, can entertain a serious doubt. We have seen great and lasting depression produced merely by military expence abroad; we have seen the still greater and more rapid effects produced when foreign military expense was combined with a dearth of provisions, and we now suffer under the effect of both of those causes, not indeed singly operating to so great a degree as in some former instances, but acting with combined force, and aided in their effect by a state of things unknown and scarcely conceivable before, and which so embarrasses the operations of exchange, and obstructs the course of trade, as to render it wonderful how they exist at all.

Could it be foreseen in any former time, that the whole continent of Europe would be placed under the sway of one potentate, and that potentate a despot, so violent, arbitrary, and unfeeling, as to count the sufferings of his own subjects and dependants as nothing in the efforts which he makes for our destruction? Could it be foreseen that the ruler of Europe, reigning over so many states once wealthy, powerful, and flourishing, through the means of trade, would deliberately settle, and systematically execute, a plan for the annihilation of commerce, in the sole view of depriving us of our share of its advantages? Could it be foreseen that we should, at the same time, be debarred from the trade of the most commercial part of the New World, by a system of exclusion, little short of hostility? And if these things could have been foreseen, would it not have been expected, that, so far as relates to the circumstances we complain of, our situation would have been even worse than actually it is? Could it have been supposed that any trade, or course of exchange, could exist at all, or any means of carrying on our foreign expenditure beyond the limited stock of the precious metals which the country might still be able to supply?

I have thrown out these few reflections rather as a specimen of the sort of reasoning to which the series of facts before us seems to me naturally to lead, than as an exposition of the inferences arising from them, and which it would carry me much beyond the limits of my present address to the House to pursue to their full extent.

We are now arrived at the fourteenth Resolution, in which I have endeavoured to shew, by a comparison of the revenue, the public expenditure, and the trade of Great Britain immediately before the Bank restriction with their present amount, that a large increase of currency must be necessary to carry on a circulation so greatly extended. I have not attempted to show the total amount of our currency in either period, because I think the data on which either the amount of coin or of country Bank-notes in circulation, at any time, can be calculated, are too vague to be greatly depended upon even in argument, and, therefore, much more unfit to be made the subject of a Resolution of the House.

We have, however, sufficient reason to conclude that they cannot exceed a certain sum; and several attempts have been made to estimate their amount by gentlemen of great experience and knowledge of these subjects. I shall lay no stress on an observation which yet I think both just and important, namely, that the period immediately preceding the Bank restriction was one in which we felt the evils of a contracted circulation; that the amount of currency then circulating, was confessedly much less than the wants of the public demanded, and that many schemes were proposed for supplying its deficiency. We know, in fact, that the ordinary amount of Bank-notes was considerably lessened during the latter part of this period, and that the credit of the country banks not having completely recovered the shock it received in 1793, their notes in circulation were reduced (according to the evidence given before the Committee of the Lords, in 1797) in the proportion of seventy eight to ninety. This observation I am willing to pass over, because, taking the present amount of paper currency of all kinds at the highest, and the diminution of metallic money at the least, which has been supposed by any gentleman who has attempted to estimate them, I am convinced that we have more reason to be surprised at the smallness of the augmentation of our currency, than alarmed at its magnitude.

My principal object in now calling the attention of the House to the increase of our trade, and of our public income and expences, is, however, to make an observation on a part of the able speech of an hon. member whom I some time ago alluded to, as bearing a most important testimony to the impracticability of resuming the cash payments of the Bank (Mr. Baring). That hon. member treated the Bank restriction as a measure proposed by Mr. Pitt in consequence of views of profound, but dangerous policy, which led him to attempt to support the enormous expences of the war by introducing an artificial system of circulation, and that the apparent growth of our wealth and resources since that time, was consequently fictitious.

This is a remark sometimes made here, and frequently by continental writers, with little thought or meaning, and either arises from national animosity, or an endeavour to account, by mere empty phrases, for what they do not understand; but, with the hon. gent., it is undoubtedly the result of deep, though, I think, somewhat inaccurate, reflection upon the subject.

To pursue the question to the extent which it well deserves, would lead to discussions of political economy ill suited to the time and convenience of the House. I think, however, it is possible to give a solid and satisfactory answer to the observation, without any deep inquiry into principles.

In the first place, as respects the conduct of Mr. Pitt, I am fully convinced that the hon. gent. is wholly mistaken in the fact; and that all Mr. Pitt's confidential friends will confirm the testimony of the right hon. gent. opposite (Mr. Canning), that the measure of the Bank restriction was in no respect the result of any premeditated system in the government, or, I may add, in the Bank; but that it was forced upon both, by circumstances extremely alarming to them, and which they could neither foresee nor control, and was adopted most reluctantly as a mere temporary expedient during the crisis of danger. So much as to the origin of the restriction; and with respect to its effects in introducing an artificial system, I can by no means admit that the wealth and resources, either of the public or of individuals, are now artificial in any other sense than they always have been so, or than the whole fabric of civilized society necessarily must be.

So far as relates to the resources of the state, I think a circumstance pointed out by the hon. gent. himself sufficient to decide the question. He reasoned with great justice and force on the importance of equalizing the income and expenditure of the state. In this argument I perfectly concur with him, and no man has laboured more than I have done, in proportion to my means of influence, to carry this principle into full effect. But this argument shows that the hon. gent. concurs with me in thinking, that a system which equalizes the income and expenditure of the state, and provides for expences as they arise by supplies actually drawn from the people, and not by any resources depending on the credit of the government, whether in the shape of loans or of any circulating security, cannot, by possibility, be a fictitious system.

I am ready to admit that further steps ought still to be taken for equalizing the income and expences of the nation; but it cannot be denied that since the Bank restriction much has been done to effect this great object. Upon an average of three years previous to that time, the sum raised by loan was nearly equal to the total revenue paid into the exchequer; on an average of the three last years it has scarcely exceeded one fifth of it; in the course of the first term of three years, the increase of the national debt was nearly seventy millions; in the last three years, it has been less than ten millions. It is true, that, in the first of these terms, the loans were raised almost entirely in three per cent. funds, and, in the latter period, chiefly in five per cent. stock; but this difference will not materially affect the comparison. It is obvious, that the nature of the currency employed as the medium of payment in either case is of no consequence, provided the payments of the government are made in the same medium which it receives from the subject. In fact, the greater part by far of the receipt and expenditure of the government was carried on in bank-notes previously to the Bank Restriction. Since that time a still larger proportion has been so received and paid; and this is the only difference which has taken place. But, supposing the greatest possible difference to have occurred; supposing, that, previously to the Restriction, the whole business had been transacted in coin, and that now, from the deficiency of coin, the whole revenues of the state were actually levied in the produce of the soil, and in articles of manufacture, and that the same articles were issued by the government in payment, and found sufficient to carry on all the necessary services; who could say that the resources of the state were less real, though certainly less convenient, in the latter case than the former? The difference between such a state of things and our actual situation is this, that instead of a cumbrous and inconvenient payment in kind, the business is transacted by the intervention of a symbol, which both the government and the subject are willing to receive as of equivalent value with actual produce, and by means of which the exchange of values is carried on with a degree of facility and convenience unattainable in transfers, not only of produce, but of metallic money. Of what nature this symbol may be, is immaterial, so long as its equivalent value is preserved; and it is obvious how strongly the system, adopted since the Bank Restriction, of raising the supplies within the year, by means of war taxes, tends, when once established, to preserve the value of money fixed and invariable. Previously to that time the expenses of the war being defrayed by loans, a considerable amount of stock was created in each year, which might not improperly be called a fictitious addition to the capital of the nation, inasmuch as it consisted, not of any new wealth acquired by the nation, but of the value of an annuity formed by a reduction from property already subsisting, and continuing, notwithstanding the deduction, to preserve its former nominal value. Thus, if, at any time, the total property of the kingdom were worth, suppose two thousand millions, and one hundred millions were added to the national debt, all other property preserving its former price, it is clear that the total amount would then be two thousand one hundred millions, which yet would only represent the same real property of all kinds as before, the hundred millions possessed by the new-stock-holders being, in fact, the value of an annuity charged upon every other kind of property. But so far as the supplies are raised within the year, which they now are in a great degree, though not yet so much as is desirable, this accumulation of artificial capital, and the tendency which it must necessarily have to lower the value of money, will be counteracted.

In proportion, therefore, as our present national income approaches nearer to the public expenditure than it did when the Bank restriction took place, in the same proportion have we advanced from a fictitious system towards one of perfect solidity and security.

The hon. gent. seems to have been struck, as many others have been, with the prodigious numerical amount of the increase of our trade and national income, and to suppose that it must be unreal and fictitious, because its magnitude appears to exceed credibility. I admit, that so far as any sum of money has lost its value in the purchase of labour or commodities, since the period of the restriction, in that proportion is the increase of our wealth, so far as it is to be shewn merely by money statements, fictitious. But it must not be supposed that the whole, or the most considerable part, of the rise of prices which has taken place since that time, is owing to any change in the value of money. The scarcity of 1799 and 1800, occasioned, indeed, a great temporary rise of prices, and this rise has, in part, perpetuated itself by giving an additional real value to labour, and the necessaries of life. But the principal reason which produced that remarkable increase of prices which has subsisted from that time without any extraordinary variation, was the great additional mass of taxes imposed while the effects of the scarcity were passing away, and prices returning towards their former level. It may serve the illustration to mention a particular instance. The price of beer had, among other articles, been considerably advanced during the scarcity. In the Spring of 1802, the price of malt having fallen, that of beer was reduced; but a tax was soon after imposed by parliament to the exact amount of the reduction. The price was accordingly raised again, and remained the same to the consumer as during the scarcity. This, however, clearly appears, in this instance, not to be the effect of any change in the value of money, but of a division of the price between the state and the brewer; and the same observation applies to almost every other article, as all have been exposed, either directly or indirectly, to the effects of increased taxation. Of this taxation, the state itself pays a considerable share in the enhanced price of all articles purchased, and services performed for it; and, to this extent the increase of revenue certainly is inefficient, and may be called nominal; but it bears only a small proportion to the total increase. And though it adds nothing in effect to the resources of the state, it is not, therefore, fictitious, but really consists of a sum of taxes, at once received and paid by the government, an arrangement not convenient or advantageous, but which unavoidably arises out of our present system of taxation.

Another cause of the rise of prices not less distinct from any change in the value of money, though likewise often confounded with it, is the increase of consumption. Not only does our population appear to be increasing with considerable rapidity, but the consumption of an equal number of people has been, from a variety of causes, considerably augmented. At the same time, the means of supply, by importation, have been uncertain and interrupted. This observation may also be illustrated by a familiar instance. There is scarcely any article of which the price has lately risen so much as that of butter, a circumstance which has been chiefly owing to the interruption of the usual supply from Holland.

Most of what I said respecting the growing wealth of the state, will equally apply to that of individuals. To that proof of it, indeed, which is afforded by the increase of foreign trade, no observations respecting the change of prices apply at all; for the comparison is made between official values, in which no change is made, and which, therefore, represent not sums of money, but quantities of commodities. In this fair and incontrovertible mode of comparison, our foreign trade has increased in the proportion of 48 millions to 77. In what proportion our internal trade has augmented, does not admit of so accurate an estimate: but in what part of the country can we move without seeing the proofs of its increased activity? Where do not new canals, and other works for the accommodation of trade, meet our view? Nor are the proofs of the improvement of our cultivation in any respect inferior to those of the increase of trade. When has the inclosure of wastes gone on so rapidly, and at what time have the skill and capital of the farmer in general been so remarkably improved?

It is not in the extension of this great metropolis that I should look for the proof of the growth of our national resources, if it were not accompanied by so many undeniable proofs of public prosperity. But, as it only appears to keep pace with similar improvements in every direction, we may look with pleasure to the display of opulence around us. In this point of view, I have been struck by some recent proceedings of parliament as very remarkable.

For many ages, and till within the memory of persons now living, one bridge was thought sufficient for the accommodation of the metropolis. A second was then undertaken by parliament, as a great national work, and executed at the public expense. About 30 years later, in a time of great national glory and prosperity, the corporation of London erected a third; after which it was supposed that few of the great cities in Europe could vie with that in which we reside in this species of useful and magnificent decoration. But parliament has recently been called upon, not to contribute any public aid for the further accommodation of the city in which it meets, but simply to grant its sanction to individuals who have undertaken, at their own risk and expense, to erect three new bridges for the convenience of the public.

To say that these improvements are fictitious, would be an outrage to common sense. To say that they are owing to any particular system pursued by the government, beyond the general encouragement which the constitution of our state always gives to honest industry, would be to pay the government a compliment, which, in my opinion, it does not deserve; and to trace them to their causes, if I were capable of doing it satisfactorily, of which I am far from confident, would lead me to too great a length. But one thing may safely be pronounced, that these improvements could not have taken place if parliament had tampered with our currency, in the manner now proposed, and subjected us to the embarrassments of a contracted circulation.

These reflections naturally lead me to the consideration of the two concluding Resolutions (the fifteenth being only an inference drawn from the facts which have been already considered ;) and for them, as the substance of my practical recommendation to the House, I cannot but feel a more than ordinary degree of anxiety. I have, however, the satisfaction of knowing, that the learned gentleman's Proposition, the reverse of mine, has been rejected by a majority of nearly double the proportion of members which negatived his preceding Resolutions; and, therefore, I may reasonably infer that the sense of the House is still more decidedly in my favour as to the course to be pursued, than as to the reasoning upon which it has occurred to me to recommend it.

What I propose is merely to refrain from any interference with the system of currency already established by parliament, until a change shall take place in the circumstances which have rendered it necessary ; not, however, without placing on the Journals a recorded opinion of the House, that it is highly important to revert to the former system whenever more favourable events may render it possible to do so, without endangering the safety of the state.

To this point the whole of the reasoning which I have addressed to the House, both on this and a former day, has been directed ; and I hope I have been fortunate enough to make its application so distinct, that it is unnecessary for me to trespass on the patience of the House by further illustration.

I shall, perhaps, be asked whether I mean to rest satisfied with a mere negative recommendation, and have nothing to suggest by which the evils which we all feel may be remedied or alleviated ? And to this question I will give an answer before I sit down.

If the question were merely commercial, I should certainly remind the House of the advice of the French merchants to Colbert, *Laissez nous faire*, and deprecate any interference on the part of parliament or the government. I should trust to the constant tendency of the course of trade to equalize itself, and to correct any inequalities which political circumstances may have occasioned, and also to the impossibility which has always been experienced of opposing effectual obstacles to the intercourse of nations. A system of despotism which interferes with the interests, the habits, and even the necessary wants of whole countries, cannot long be enforced. Regulations which every individual has an interest and a wish to elude, will be eluded, at first, with secrecy and caution, afterwards more openly and boldly. And though the terrors of severity may for some time, repress these attempts, the very restraint itself will increase the temptation, and the desire to renew them. That these oppressions, or any oppressions, will provoke open resistance on the continent, I do not, indeed, expect during the present dread of the French arms, and the habitual subjection of the few princes who are yet suffered to reign. But, I believe, that in proportion to the continuance of the system of coercion, the means and facilities of evasion will be multiplied by connivance and combination, and that the decay of internal industry under a rule so arbitrary and oppressive, will ultimately render the continental nations more rather than less dependant upon us for the supply of their wants.

But even during the first impression of rigour, and the immediate pressure of the coercive system, I have no doubt that the exchange would recover itself considerably, and most of our present evils soon disappear, if the constant necessities of our military expenditure did not counteract any improvement.

Independently of any relaxation of the continental system, we should find its continuance become less injurious to us, Substitutes would be found for the articles we have been used to receive from the countries now shut against us; new sources of trade would be opened in those to which our naval superiority still commands access, and the industry of our manufacturers would be diverted into new channels.

But the difficulty which really presses upon us, and which it will require our utmost efforts to surmount, is that of providing for the foreign expenditure of the government during the struggle to which our commerce is exposed, and until it either shall recover some degree of freedom, or settle into a new course.

It does credit to the manly character of the Chancellor of the Exchequer that he has not attempted to disguise this difficulty, or to keep out of sight the degree in which the evils we suffer are to be traced to the necessity of carrying on a vigorous and expensive war on the continent.

It will be seen, from much that I have said, that I think the most effectual remedy for those evils would be peace, if such a peace as alone we ought to seek for, or accept, could be obtained. But it may also have been observed, and I am not unwilling distinctly to avow, that I think such a peace not only unattainable at present, but placed at a distance which I cannot pretend to measure. I can neither foresee any probability of such success as may decide the contest in our favour, or of such a reverse as to compel us to receive the law from our enemy; and, except in the one case or the other, it does not appear to me that any pacific arrangement could take place with the smallest prospect of permanency.

Next to a general peace, the most effectual relief we could obtain would be by conciliation with America. On this point I must be cautious not to be misunderstood. By conciliation with America, I do not mean concession to America. On the contrary, I am convinced, that, in the present temper of a part of America, and that now the ruling part, any concession upon points in which we have a clear right, and an evident interest, would only be received as a proof of weakness, and not accepted as an indication of good will.

But I mean, that in our language, our manner, and the general tone of our proceedings, we should not only avoid any thing irritating, but mark a strong sense of common interest, and a disposition to cordial union. We should avoid all difficulties of etiquette; and especially we should avoid all such language as is frequently heard out of this House, and sometimes meets with too much countenance within it; language which appears to assert claims of some exclusive rights, founded on the greatness of our maritime power, which we would not acknowledge in other nations; or, which I still more condemn, language which would imply that the lawless and unprincipled conduct of the enemy had set us also free from the obligations of the general law of nations, and left us at liberty to pursue any course of conduct towards neutral states which we might think most suited to our own views of interest or convenience.

Of all claims of this kind, wherever urged, I must express the most decided disapprobation. I am convinced, that all enlightened views of policy no less than the obligations of justice require of us to support the authority of the ancient and established law of nations, as well by our example as our arms. I know of no symptom in the profligate policy and the depraved manners of recent times, more fatal in itself, and more ominous of general ruin, than the systematic disregard which, of late, we have seen sometimes slightly disguised, and sometimes shamelessly avowed, of the principles of this law. It has been the just boast of this country generally to have obeyed its precepts, and always to have acknowledged its obligation; and to any deviation from such a system of conduct, I must profess the most determined and persevering opposition. But I hope, that not only no claim will be pressed upon America, to which we have not a clear right, but that her interests and her feelings will be consulted in cases in which, though our right may be clear, the policy may be doubtful, or of no great importance, provided that the right itself shall not suffer from our forbearance to enforce it, and that there shall be on the side of America some apparent disposition to meet our advances with reciprocal good will.

I cannot easily believe that such measures will fail in their effect upon America. Where the mutual interest is so great, where the ties of amity are so various and so strong, I cannot easily understand what demon of discord can so pervert the understandings, as well as embitter the hearts of men, as to stir up enmity between countries so connected. I see many proofs that there exists, in a great part at least of the people of America, that just veneration for our institutions, from which their own are derived, that sort of filial regard for the land of their ancestors which is natural and reasonable; and I cannot but think that every symptom of an inclination on the part of our government, cordially to cultivate their friendship, will cherish and encourage these dispositions.

I must desire not to be understood as implying in these remarks, any distrust of the wishes of his Majesty's ministers to conciliate America. I know of no reason to doubt the sincerity of the professions they have always made of such a disposition as I recommend. But I wish, on this occasion, to point out its connection with the subject of our present deliberation, and its importance towards restoring our commercial transactions to their natural and favourable course.

In considering difficulties in which the most prominent feature is the scarcity and want of the precious metals, it is natural to look for relief to the countries, of which the precious metals are the native produce. The accounts which reach the public, of the state of the Spanish colonies, are too uncertain and contradictory to enable us to form any distinct judgment of their real situation; and I can, therefore, only hint in general terms to the members of the government, the propriety of inquiring, whether, in the way of loan or some other mode, a supply of bullion may not be obtained from Mexico, or some other part of America. The Spanish government would be bound by the strongest motives of interest as well as gratitude, to lend all the assistance in its power to the execution of such a plan; and its application might be exclusively directed, as indeed it would naturally be destined, to the support of the war in the peninsula.

There are other arrangements more immediately of an official nature, by which the executive government may, in some degree, be able to relieve the pressure of our foreign expences upon the course of exchange. I shall not attempt to go into any detail on this head, because such arrangements will be best settled between the board of treasury and the different departments of expenditure. There is, perhaps, no one in which something may not be done, either to find some resource abroad, or to provide at home supplies which are usually procured from foreign countries. And, in a state of things so extraordinary as the present, it may be advantageous, in many cases, to change the course of proceeding which has, in ordinary times, been found the best adapted to the public service. I am sensible that there is always some difficulty and inconvenience in changing the routine of business; but, in an emergency like the present, all subordinate considerations must be sacrificed, and the most unremitted vigilance exerted to find even occasional expedients.

I am aware that ideas, such as I have last mentioned, may probably have occurred to other gentlemen who have paid attention to this subject, and may, perhaps, have been anticipated by measures already taken by the government; but I thought them worth mentioning, not only from the chance of their suggesting some useful step, but in order to show, that I am not without hopes of our having some means of relief in our power.

What, however, I am principally anxious to impress upon the House is, that as our difficulties arise, not from any radical defect in our own system, but from a violent and unnatural state of things operating abroad, in conjunction with other causes, of which we have, in former times, often felt the effects; it is not in any change of our internal arrangements, that we must seek for the remedy. So far as these difficulties arise from the coercive system of the enemy, it is a consolation to us to know from experience, that such measures of oppression have never been long executed with success. And so far as they may originate from causes known and experienced on former occasions, we have some means of judging of their nature and extent, and have reason to look for relief to the same counteracting principles which have formerly been found efficacious.

It seems to me at present to be the office of parliament to calm the agitation of the public, which has been in a great degree excited by the proceedings of its Committee, by declaring its decided and deliberate opinion, that our situation is still sound, and that any attempt to disturb it in the hope of improvement, would only be productive of injurious consequences.

With a view to such a declaration, and at the same time to record the facts which appear to me most material as forming the ground-work of such an opinion, I submit the Resolutions in my hand, to the judgment of the House. I cannot but hope that when the facts recorded in them shall be brought before the public in so short and clear a form, they will add much to the impression which the deliberate judgment of the House, pronounced after a length of discussion almost unexampled, cannot fail to make. I wish to show, not only to this country, but to the world at large, that the decision of parliament has not been founded upon any fear of meeting our difficulties fairly, or any wish to disguise our real situation, much less on any views of political advantage to any division of this House, but upon a calm appeal to reason and experience; and for this purpose the long and patient investigation in which we have been engaged, will be eminently useful. And it adds not a little to the firmness of my conviction of the propriety of the proceeding I have taken the liberty to recommend, to find, that the most laborious research at last brings us back to the same conclusion, to which daily observation, and plain common sense, at once conducted the body of the nation.

In the course of this long debate, several of the gentlemen, from whom I have the misfortune to dissent, and whose arguments I have been obliged to combat, have thought it proper to disavow all motives of party feeling, or political partiality. I am ready to give the most perfect credit to their professions, for I cannot willingly believe that any member of this House would suffer himself to be guided by party feelings, in a question which involved the danger of a national bankruptcy, in which all distinctions of party would be swallowed up in the general ruin; and, I may add, that the part which many gentlemen have taken, on this occasion, different from that of their usual political connexions, is an honourable proof of the sincerity of those professions. But since so much has been said upon this subject, I may be pardoned for reminding the House, that these Resolutions are proposed to them by a man who can have no party objects in view; who has received much kindness from all parties, and favours from none; and who can have no other motive, in the part he has taken, than the hope that one of his days of mourning may not have been spent in vain.

The right hon. gentleman concluded with moving the following Resolutions:

1. Resolved, " That the right of establishing and regulating the legal money of this kingdom hath at all times been a royal prerogative, vested in the sovereigns thereof, who have, from time to time, exercised the same as they have seen fit, in changing such legal money, or altering and varying the value, and enforcing or restraining the circulation thereof, by proclamation, or in concurrence with the estates of the realm by Act of Parliament: and that such legal money cannot lawfully be defaced, melted down, or exported.

2. " That the promissory notes of the Governor and Company of the Bank of England, are engagements to pay certain sums of money in the legal coin of this kingdom; and that for more than a century past, the said Governor and Company were at all times ready to discharge such promissory notes in legal coin of the realm until restrained from so doing on the 25th of February 1797, by an order of council, confirmed by Act of Parliament.

3. " That the promissory notes of the said Company have hitherto been, and are at this time, held in public estimation to be equivalent to the legal coin of the realm, and generally accepted as such in all pecuniary transactions to which such coin is lawfully applicable.

4. " That at various periods, as well before as since the said restriction, the exchanges between Great Britain and several other countries have been unfavourable to Great Britain; and that during such periods, the prices of gold and silver bullion, especially of such gold bullion as could be legally exported, have frequently risen above the Mint price; and the coinage of money at the Mint has been either wholly suspended or greatly diminished in amount: and that such circumstances have usually occurred, when expensive naval and military operations have been carried on abroad; and in times of public danger or alarm; or when large importations of grain from foreign parts have taken place.

5. " That such unfavourable exchanges and rise in the price of bullion, occurred to a greater or less degree during the wars carried on by king William the third and queen Anne; and also during part of the seven years war, and of the American war; and during the war and scarcity of grain in 1795 and 1796, when the difficulty of procuring cash or bullion increased to such a degree, that on the 25th of February 1797, the Bank of England was restrained from making payments in cash by an order of council, confirmed and continued to the present time by divers Acts of Parliament: and the exchanges became still more unfavourable, and the price of bullion higher, during the scarcity which prevailed for two years previous to the peace of Amiens.

6. " That the unfavourable state of the exchanges, and the high price of Bullion, do not, in any of the instances above referred to, appear to have been produced by the restriction upon cash payments at the Bank of England, or by any excess in the issue of Bank notes; inasmuch as all the said instances, except the last, occurred previously to any restriction on such cash payments: and because, so far

as appears by such information as has been procured, the price of bullion has frequently been highest, and the exchanges most unfavourable, at periods, when the issues of Bank-notes have been considerably diminished, and they have been afterwards restored to their ordinary rates, although those issues have been increased.

7. "That during the period of nearly seventy-eight years, ending with the 1st of January 1796, and previous to the aforesaid restriction, of which period accounts are before the House, the price of standard gold in bars has been at or under the Mint price twenty-eight years and five months; and above the said Mint price forty-eight years and eleven months; and that the price of foreign gold coin has been at or under 3*l.* 18*s.* per ounce, thirty-six years and seven months, and above the said price thirty-nine years and three months; and that during the remaining intervals no prices are stated.—And that during the same period of seventy-eight years, the price of standard silver appears to have been at or under the Mint price, three years and two months only.

8. "That, during the latter part, and for some time after the close of the American war, during the years 1781, 1782, and 1783, and the exchange with Hamburgh fell from 34. 1 to 31. 5, being about eight per cent.; and the price of foreign gold rose from 3*l.* 17*s.* 6*d.* to 4*l.* 2*s.* 3*d.* per ounce, and the price of dollars from 5*s.* 4½*d.* per ounce, to 5*s.* 11¼*d.*; and that the Bank-notes in circulation were reduced between March 1782, and December 1782, from 9,160,000*l.* to 5,995,000*l.* being a diminution of above one third, and continued (with occasional variations) at such reduced rate until December 1784: and that the exchange with Hamburgh rose to 34. 6, and the price of gold fell to 3*l.* 17*s.* 6*d.* and dollars to 5*s.* 1½*d.* per ounce, before the 25th of February 1787, the amount of Bank-notes being then increased to 8,688,000*l.*

9. "That the amount of Bank-notes in February 1787, was 8,688,000*l.* and in February 1791, 11,699,000*l.*; and that during the same period, the sum of 10,704,000*l.* was coined in gold; and that the exchange with Hamburgh rose about three per cent.

10. "That the average amount of Bank-notes in the year 1795, was about 11,497,000*l.*; and on the 25th of February 1797, was reduced to 8,640,000*l.* during which time the exchange with Hamburgh fell from 36 to 35, being about 3 per cent. and the said amount was increased to 11,855,000*l.* exclusive of 1,542,000*l.* in notes of 1*l.* and 2*l.* each, on the 1st of February 1798, during which time the exchange rose to 38.2, being about 9 per cent.

11. "That the average price of wheat, per quarter, in England, in the year 1798, was 50*s.* 3*d.*; in 1799, 67*s.* 5*d.*; in 1800, 113*s.* 7*d.*; in 1801, 118*s.* 3*d.*; and in 1802, 67*s.* 5*d.*

"The amount of Bank-notes, of 5*l.*, and upwards, was

	About	And under 5*l.*	Making together
in 1798,	10,920,400*l.*	1,786,000*l.*	12,706,400*l.*
in 1799,	12,048,790*l.*	1,626,110*l.*	13,674,906*l.*
in 1800,	13,421,920*l.*	1,831,820*l.*	15,253,740*l.*
in 1801,	13,454,370*l.*	2,715,180*l.*	16,169,550*l.*
in 1802,	13,917,980*l.*	3,136,470*l.*	17,054,450*l.*

"That the exchange with Hamburgh was in January 1798, 38.2; January 1799, 37.7; January 1800, 32.; January 1801, 29.8; being in the whole a fall of above 22 per cent.—In January 1802, 32.2; and December 1802, 34; being in the whole a rise of about 13 per cent.

12. "That during all the periods above referred to, previous to the commencement of the war with France in 1793, the principal states of Europe preserved their independence, and the trade and correspondence thereof were carried on conformably to the accustomed law of nations; and that although from the time of the invasion of Holland by the French in 1795, the trade of Great Britain with the continent was in part circumscribed and interrupted, it was carried on freely with several of the most considerable ports, and commercial correspondence was maintained at all times previous to the summer of 1807.

13. "That since the month of November 1806, and especially since the summer of 1807, a system of exclusion has been established against the British trade on the continent of Europe, under the influence and terror of the French power, and enforced with a degree of violence and rigour never before attempted; whereby all trade and correspondence between Great Britain and the continent of Europe has (with some occasional exceptions, chiefly in Sweden and in certain parts of Spain and Portugal) been hazardous, precarious, and expensive, the trade being loaded with excessive freights to foreign shipping, and other unusual charges: and that the trade of Great Britain with the United States of America has also

been uncertain and interrupted; and that in addition to these circumstances, which have greatly affected the course of payments between this country and other nations, the naval and military expenditure of the United Kingdom in foreign parts has for three years past been very great; and the price of grain, owing to a deficiency in the crops, higher than at any time, whereof the accounts appear before Parliament, except during the scarcity of 1800 and 1801; and that large quantities thereof have been imported.

14. "That the amount of currency necessary for carrying on the transactions of the country, must bear a proportion to the extent of its trade and its public revenue and expenditure; and that the annual amount of the exports and imports of Great Britain, on an average of three years, ending 5th of January 1797, was 48,732,651*l.* official value; the average amount of revenue paid into the exchequer, including monies raised by lottery, 18,759,165*l.*; and of loans, 18,409,842*l.* making together 37,169,007*l.*; and the average amount of the total expenditure of Great Britain, 42,855,111*l.*; and that the average amount of Bank-notes in circulation (all of which were for five pounds, or upwards) was about 10,782,780*l.*; and that 57,274,617*l.* had been coined in gold during his Majesty's reign, of which a large sum was then in circulation:

"That the annual amount of the exports and imports of Great Britain, on an average of three years ending 5th of January 1811, supposing the imports from the East Indies and China, in the year ending 5th of January 1811, to have been equal to their amount in the preceding year, was 77,971,318*l.*; the average amount of revenue paid into the exchequer, 62,763,746*l.*; and of loans, 12,673,548*l.* making together 75,437,294*l.*; and the average amount of the total expenditure of Great Britain, 82,205,066*l.*; and that the average amount of Bank-notes, above 5*l.*, was about 14,265,850*l.* and of notes under 5*l.*, about 5,283,330*l.*; and that the amount of gold coin in circulation was greatly diminished.

15. "That the situation of this kingdom, in respect of its political and commercial relations with foreign countries, as above stated, is sufficient, without any change in the internal value of its currency, to account for the unfavourable state of the foreign exchanges, and for the high price of bullion.

16. "That it is highly important that the restriction on the payments in cash of the Bank of England, should be removed, whenever the political and commercial relations of the country shall render it compatible with the public interest.

17. "That under the circumstances affecting the political and commercial relations of this kingdom with foreign countries, it would be highly inexpedient and dangerous, now to fix a definite period for the removal of the restriction of cash payments at the Bank of England, prior to the term already fixed by the act 44 Geo. 3. c. 1. of six months after the conclusion of a definitive treaty of peace."

Mr. *Magens* declared that there never was a Committee appointed by that House by which more had been done to elicit the truth, than by the Bullion Committee. Their Report, however, was said by some gentlemen to have done mischief; and it had been alledged, that, had it not been for that Report, France would have rescinded her Berlin and Milan Decrees. His own merchants, however, had then told Buonaparté, that if those Decrees were not rescinded, they would cause the ruin of France. In this they had been found to be correct, and the trade of France was now reduced to a state almost of total annihilation. If so, he was willing to hope that, by comparing the last year with the present, the situation of this country would be found to be very different indeed. Many clerks, no doubt, who had received credit in consequence of the excessive issue of paper, and who had embarked thousands of pounds in the wildest of all speculations, had got their names into the Gazette; but had the real, fair, and substantial merchant been reduced to this situation? No. And, of course, instead of our mercantile situation being worse, we were now in a more wholesome state, after having got quit of this excess of paper, with which the market was incumbered; and we had now people of capital ready to embark in trade, whenever a fair prospect of doing so with advantage presented itself. He asked then, was not our situation mended, and was not that of France more fallen than it had hitherto been? All writers agreed that the standard must be either in gold or silver; it could not be in both. Till the year 1717, silver had been the standard in this country; then, indeed, but more particularly in the year 1774, the preference was given to gold. The main question here was, whether paper was depreciated? He should not go over the arguments on this subject, agreeing as he did, with the Chairman of the Bullion Committee, and with the gentlemen who had followed him, in supporting that side of the question; but he begged to say a few words by way of illustration. He had never before heard of an non-convertible paper currency. Such an idea had always been treated as a vision, a scheme, a chimera. It might be carried on for a while, but could never be regarded as a standard. Our paper might be depreciated in four different ways: first, in sending supplies, pay, &c. to our armies abroad: second, in our imports: third, in our exports: and fourthly, as to our situation at home. Under the first of these heads, we had to send abroad last year, 25 millions, and in consequence of the depreciation of our paper, had to pay 120*l.* for every 100*l.* Our imports were 50 millions, and the persons who sent them here calculated on receiving in return, not what we called the value, but what they found on the continent to be the intrinsic value of the imports, so that here again we had to pay 120*l.* for every 100*l.* that being the rate at which our paper was estimated on the continent.—Again, as to our exports, for what was worth one thousand pounds of our money, those to whom we sent them, would only give 800*l.* if to be paid for in gold. Bank notes, therefore, were depreciated in all these respects. He could not resolve in his mind any other intrinsic value, but the value merchants put on any commodity. If the standard was found, no matter what it was; but, till found, every thing must be in confusion. If the Committee chose to confess that the paper currency was depreciated 20 per cent. and then to say, let it stand as it is, he had no objection. But the standard must be ascertained. Paper had a tendency to increase, and would go on increasing, if not checked. It had been said, that there would be a hardship in calling on people to make payments in gold now, when it was at an increased price. This was an evil, however, which would go on increasing every year, and therefore should be remedied at once. He contended that paper was depreciated, when compared with gold, even in respect to articles to be purchased in this country, and that if he was to go to purchase an article of gold in a jeweller's shop, he would get it for a smaller proportion of gold in coin, than if he were to tender paper in payment of it. He should move as an amendment on the 16th Resolution, That it was highly expedient that the Bank of England should resume payments in specie the moment it could be done consistently with the public safety. The evil could only be remedied by a firm determination to reduce the paper currency within its proper bounds, and by preparing for a gradual resumption of payments in cash.

Mr. *Pattison* stated the fluctuations of the exchanges, and compared them with the issues of the Bank from the year 1756 to the present time. From the amount of the latter and the state of the former, he contended it was evident that the Bank issues had not the effect upon the exchange which had been supposed; as with reduced issues, the exchange had at various times been reduced, and when those issues were again increased the exchange had recovered.

Mr. *Henry Thornton* observed, that having, when he before addressed himself to the House, spoken antecedently to all those gentlemen to whom he was opposed, excepting only one right hon. gentleman (Mr. Rose), who had chiefly dwelt on the details of the Report; and having now the advantage of distinctly knowing the grounds on which their argument rested; he was anxious to be permitted once more to offer himself to their notice.

The speech of his right hon. friend (Mr. Vansittart), in support of the Resolutions now proposed by him to be substituted in the place of those of the chairman of the Bullion Committee, had particularly urged him to rise. In the conclusion of that speech, his right hon. friend had enumerated the various circumstances to which he looked as the means of producing an improvement of the exchange: —first, a continental peace; secondly, a better understanding, and, consequently, an open trade with America; thirdly, some extension of our commercial intercourse with Europe;—all of them, especially the first, events which he did not much encourage us to expect:—but it was remarkable that he totally omitted any mention of a limitation of paper, in this enumeration of the means of meliorating our exchanges. His right hon. friend, in one part of his speech, as well as the right hon. Chancellor of the Exchequer, had admitted that a limitation of paper had a tendency to produce this effect; but it was plain, from the concluding part of it, that the principle was practically disregarded. Indeed, his Resolutions were in the same spirit; they were silent on this point: they did not venture to deny the doctrine, that quantity of paper had an influence on its value; but they seemed to throw a doubt upon it; for they specified a variety of facts, with the evident view of discrediting the principle; and thus were calculated to lead men, less enlightened than the mover, to suppose that the tenets of the Bullion Committee, in this respect, were completely visionary and erroneous.

He rejoiced that his right hon. friend was the person who led the opposition to the Report of the Bullion Committee, because he was confident, that, with such an adversary, the discussion would be amicable and free from party spirit, and because the House was sure of hearing so much ability employed on that side of the subject. He could not, however, help remarking, that his right hon. friend himself had been a party in an administration which had twice extended the term of the continuance of the Restriction act on a principle which, if parliament would now give its attention to the subject, he could not help thinking that they would perceive to have been very objectionable.

Twice, under the administration of lord Sidmouth, of whom he wished to speak most respectfully—namely, once in peace, and once after the recommencement of the war—the act for restricting the cash payment of the Bank was renewed, upon the professed ground of the unfavourableness of the exchanges. This was not the principle on which the first act had passed, and he much questioned whether the parliament would have ever consented to institute such a measure merely on that plea. It was by means of an unfavourable exchange, and a high price of bullion, that an excess of Bank paper was detected and restrained, as he trusted that he had already sufficiently shewn. The ground on which the Restriction Bill had passed was much more justifiable, namely, that of an alarm arising out of the idea of an immediate invasion, which caused a violent run upon the Bank, and threatened suddenly and unavoidably to exhaust its coffers. The state, for political reasons, on that occasion interfered. To extend the suspension because the exchange was unfavourable, was to adopt a new and dangerous course. He recollected to have himself, on one occasion, remarked on the insufficiency of this motive for the renewal; but the subject did not always particularly attract the attention of the House; it now, therefore, became them, and especially since they were resolved to continue the suspension, to look well to the general principles on which both they and the Bank proceeded, and not to consider themselves as debating merely on a temporary measure.

One great security to the Bank of England, heretofore, had been its independence of the government: its paper had been properly restrained, because the government had felt no interest and taken no part in the extended issue of it; and he submitted, whether, if the subserviency of large issues from the Bank to the purposes of the war, and the convenience of the state, were, during the suspension of cash payments, to be a principle recognised by parliament, the state and the Bank might not become identified in point of interest, somewhat in the same manner as those government banks on the continent, whose paper had become first excessive and then depreciated.

It might not be improper to take a slight survey of the whole period which had passed since the first Bank restriction bill in 1797. Probably, in consequence, as he had before shewn, of a limitation of paper which was antecedent to that æra, and perhaps in consequence also of the caution which the Bank would naturally exercise for some time after it, the exchanges in 1797 and 1798 were peculiarly favourable, and a great tide of gold flowed into the country. In the year 1800 and 1801, when the scarcity of corn occurred —a commercial event more likely, perhaps, than any other to prejudice the exchange—the tide turned quite as much against us: the exchanges then fell below the point which they had ever reached while the Bank was open. The Bank did not at that time limit its issues, which it certainly would have done if it had been liable to make its payments in cash. The exchange, however, recovered itself in 1802, but it did not improve so much as to bring back gold into the country. After a few more years, the exchange turned much against us; and it had now, for the space of nearly three years, continued more unfavourable than it was ever known to be before the suspension. Thus the only influx of gold, of which we had had the benefit, since the suspension act of 1797, was, apparently, in consequence of a limitation of paper antecedent to that period. There would naturally be a tendency to excess during the suspension of cash payments; but the first consequences of such excess, as well as the peculiar pressure of 1801 and 1802, would undoubtedly be mitigated by the exportation of a large portion of that immense fund of gold, with which the providence of the time preceding the suspension had enriched us; and the recovery of the exchange in 1802 was thus facilitated. When the second great pressure, of 1808 and 1809, arose, it found us stripped of a great part of our coin; and this probably was the reason why it proved so serious. It soon carried off our little remaining gold: and we were therefore now arrived at a period when we were no longer protected against the most fearful fall of our exchanges. As long as the foreigner knew that the bill on England which he bought, could be turned into cash, which cash was of a given value, and subject, though contrary to law, to be transported, there was a limit to the depression of the price of the bill; and this limit would exist even during the suspension of the cash payments of the bank, provided there was a moderate quantity of gold coin actually circulating; for, in that case, if the exchange fell below a certain point, some men would clandestinely collect our guineas, and thus furnish a remittance; but now a man must walk a mile before he can collect a guinea; he must incur great expense in gathering, as well as in purchasing, the very trifling quantity of coin which remained among us. The limit, therefore, to the fall of the bill, was no longer what it had been: we were ceasing to have any limit, and were therefore now arriving at a new state of danger; so that it was difficult to say, in case untoward circumstances should arise, what might be the extent to which the exchange possibly might run down. Such had been the effect of the long continuance of the Bank restriction Bill, and of the system under which we had acted during the fourteen years of its existence. The House had now decided against the repeal of it, and seemed to intend that the bill should remain in force until the period already assigned to it, of six months after the ratification of a treaty of peace. He was not eager as to the question whether the Bank should now be required to open at any early period. He would willingly have agreed to suspend the determination of that point, if he could but have seen a disposition to act in the mean time, in such a manner as to facilitate the opening. But the misfortune was that the directors of the Bank seemed to consider the suspension as exempting them from the necessity of pursuing the principles on which they would have acted if no suspending bill had passed, and on which also they could not fail now to act, if they were liable to pay in cash. To one of them the question was put, "Supposing the Bank to pay in cash, and a great drain to arise (and there could be no doubt that a great drain would now arise if the Bank were liable to pay in cash) should you advise some diminution of bank paper?" The answer was, "I must recommend it from necessity, though in my opinion it would not improve the exchange. I think it one of the advantages of the restriction bill, that we are not driven to that necessity." The parliament, if they voted the resolutions of his right hon. friend, would fortify the Bank in these opinions. They had, indeed, already indicated their approbation of them, by negativing all the first resolutions of the learned gentleman; and in consequence of that vote, which he had considered to be a vote against any limitation of paper, he had reluctantly joined in the subsequent vote for opening the bank in two years; a vote which he should have been glad to have had an opportunity of qualifying, by specifying certain accompanying measures, by which he thought that the apparent severity of it might have been mitigated, and the opening much facilitated. He had, when in the Bullion Committee, expressed a wish to soften the terms used in that part of the report which suggested that the restriction should cease in two years. He was clearly against a period so indefinite as that of six months after the ratification of a treaty of peace, considering all the experience we had had. He was for returning to the principle on which we had set out, that of allowing to the Bank only a short term; possibly renewing it, if necessary, but not as a matter of course, and on the mere ground that the exchanges were unfavourable. He was aware that the gentlemen opposed to him had gained a great advantage by turning the attention of the public to the opening of the Bank; as if that were the only thing recommended by the Bullion Committee. This was not the sole object of their report. There had been many shades of opinion upon that part of it, among men agreed in all their fundamental principles. The Bullion Committee had been far more united on the other point on which he had dwelt—the propriety of limiting the bank issues with a view to the improvement of the exchange. The parliament was now taking part with the bank against their own Committee, in respect to this important principle; and the right hon. Chancellor of the Exchequer, in exerting himself on the same side, appeared to him to be taking on himself a fearful responsibility.

It had appeared in the course of the present debates, that the chief circumstance which had led the Directors of the Bank to embrace the opinion that the quantity of their paper had no influence on the exchange, was the doctrine which they entertained respecting what is called the balance of trade. The state of the exchange was, according to them, the unavoidable consequence of an unfavourable balance: he therefore requested leave to enter somewhat fully into this topic.

An inaccurate use of words had served to confuse many parts of the general subject under discussion; and the term balance of trade, in particular, had contributed to this perplexity. He would endeavour to expose the error involved in this expression; and in order to do this, it might be convenient to remark how it first obtained currency.

Our ancestors, eager for the acquisition of the precious metals, exploring, as is well known, new continents, chiefly with a view to this article; and accustomed to consider trade as profitable or otherwise, in proportion as it brought in or took out gold and silver, were naturally led to denominate that part of our exports or imports which consisted of these metals, a balance. In truth, however, this was not a balance. Bullion was an article of commerce, rising or falling in value according to the supply and the demand, exactly like any other, transporting itself in greater or less quantities according to the comparative state of the market for that and for other articles, and forming only an item on one side of the general account. Corn, or any other commodity, might just as properly be said to pay the balance as gold or silver; but it would evidently be inaccurate to affirm that corn discharged it, because it would imply that the amount of all the articles except corn was fixed; and that these having first adjusted themselves with relation only to each other, a given quantity of corn was then added to pay the difference. It was, for the same reason, inaccurate to affirm, that gold or silver paid the difference. He was aware that many of our older writers of great name had used expressions of this sort, and that a phraseology borrowed from such respectable authority ought not to be too much censured. They had written, however, at a time when paper currency scarcely had an existence; they had not contemplated the consequences of the introduction of so much paper credit: they had therefore not guarded or measured their expressions, as they probably would have done, if they had foreseen the use which was now made of them.

The Governor of the Bank (Mr. Manning) had in his speech quoted a passage in Mr. Locke, containing the term on which he had just animadverted, and had grounded himself on what he inferred from this expression to be the principles of that author. The words of Mr. Locke were these;—"The coming and going of our treasure depends wholly upon the balance of trade;"—a mode of speaking which certainly countenanced the doctrine of the hon. gent. and other Bank Directors, namely, that there is no possibility of preventing the departure of our gold by any measures which the Bank can take, inasmuch as it is balance of trade, and balance of trade alone, which regulates both its coming and its going, over which balance the Bank has no controul. It would be found, however, that Mr. Locke could not be so completely claimed as an authority, on the side of the Governor of the Bank, as might at first view be supposed; for Mr. Locke, in the part of his work immediately preceding that from which the quotation was taken, speaks of "two cases" in which profit may be made by melting down our money: "First, when the current prices of the same denomination are unequal and of different weights, some heavier, some lighter; the other that of a losing trade, or an over-great consumption of foreign commodities;" and then goes on to say, that "the coming and going of our treasure depends wholly on the balance of trade."

Mr. Locke, therefore, refers to either of two causes the disappearance of coin. Agreeing in this respect with sir Isaac Newton and others, whom his hon. friend

(Mr. Huskisson) had quoted, he affirms that two kinds of circulating medium, if of different value, cannot long continue to pass interchangeably, because the heavier and more valuable pieces will be melted down, with or without law, and the light ones only will remain. Did gentlemen allow the truth of what sir Isaac Newton and other high authorities, not excepting Mr. Locke, had laid down as a fundamental maxim in this science? If they did, they ought to admit not only that silver currency would disappear, if of more value than gold; and gold currency, if of more value than silver; and heavy pieces, if light ones were allowed equally to pass; but also that gold currency would vanish, if a paper currency of inferior value was circulating at the same time. Silver coin was not now a legal tender for more than a limited amount; gold coin and paper were therefore the only two currencies in use for the payment of large sums; gold was now to paper what it had formerly been to silver, and what the heavier pieces of gold had been to the lighter pieces of the same metal. Thus, the present disappearance of our gold coin, might be ascribed to the first of the two causes mentioned by Mr. Locke, namely, the difference in value between the two kinds of currency in the country: and not to the second cause, the unfavourable balance of trade.

Still, however, the language of Mr. Locke was certainly inaccurate, when he said, that the "coming and going of our treasure depends wholly on the balance of our trade," and served to countenance that dangerous doctrine which now prevailed. According to this doctrine, the fact of the disappearance of our guineas attended with the highest imaginable price of gold, was no indication of an excess of paper or of a depreciation of it, but was simply an evidence of an unfavourable balance of trade; and the only remedy was generally to promote national industry and œconomy. It might, indeed, be imagined by some, that according to this view of the subject, even additional issues of paper would operate as a remedy; for it might be said that an increased emission of it tended to encourage manufactures, an augmented quantity of manufactures supplied the means of enlarging our exports, and more extended exports improved the balance of trade; and thus an increased issue of paper might be assumed to be the means of rectifying the exchange, instead of prejudicing it. This was exactly the course of argument into which the noble lord over the way (lord Castlereagh) appeared in one part of his speech to be running. It was an error to which he himself had once inclined, but he had stood corrected after a fuller consideration of the subject. There must obviously be a fallacy in this way of reasoning. It proved too much. It implied, that indefinitely to increase our paper, was the way indefinitely to improve its value in exchange for the circulating medium of other countries, as well as in exchange for bullion and for all commodities. The utmost admission which he was disposed to make was, that in proceeding to limit our paper with a view to the improvement of the exchange, we ought to avoid that severity of pressure by which manufacturing industry might be seriously interrupted.

According to the same erroneous doctrine, the export of our gold coin in each of those instances of which sir Isaac Newton and others spoke, was referable to balance of trade, and not to the cause to which they ascribed it. When in the reign of king William, our gold coin went abroad, in consequence, if we were to credit sir Isaac Newton, of its having become more valuable than our silver, through a change in the relative value of the two articles, it went to pay a balance of trade; for it was balance of trade, and balance of trade alone, according to the tenets in question, which caused the precious metals to transfer themselves to other countries. When in a subsequent year a similar difference between the two kinds of currency occurred, it was in order again to pay a balance of trade that the better coin quitted the kingdom. He would put another case. Suppose a fisherman on our southern coast, to collect a thousand guineas, and exchange them in the channel with some French fisherman for as much French brandy as should be deemed an equivalent, the gold, according to the doctrine in fashion, would have gone to pay the balance of trade. It would have been employed to discharge a previously existing national debt. It was always, according to these tenets, the brandy which forced out the gold, and not at all the gold which forced in the brandy. By the Frenchman's putting the brandy into his boat, the Englishman was compelled to put the gold into his. The brandy always went before; the gold always followed after. It was one of the peculiar properties of gold that it always served to pay a balance.

The truth was, that our paper currency having become less valuable by nearly twenty per cent. than the gold contained in our coin, the coin could no longer circulate interchangeably for it, but went abroad, because there was a profit of nearly twenty per cent. on the transmission. This profit operated as effectually in withdrawing it from circulation, and causing that part of it which was not bought at a high price for manufacturing uses, to be exported, as if an actual bounty of twenty per cent. were given on the export of it; and as much prevented the importation of gold for the purpose of serving as currency —the only purpose for which large quantities of gold were usually imported—as if a tax of twenty per cent. were levied on the import of it. We deplored the loss of our gold coin; but by not limiting our Bank notes, we were thus, in substance, laying a tax on its importation, and giving a bounty on its exportation: and then, referring its absence to balance of trade, we imagined that we had no power of recalling it.

He admitted that something was to be conceded on the ground of an unfavourable state of trade and a bad harvest, as well as on account of large draughts on discharge of the foreign expenditure of government. Our manufactures, and other exportable commodities, might happen not to be in such demand abroad as to supply, on such occasions, the whole of the remittance advantageously. The precious metals were in more universal request than any other article; and the transmission of a certain quantity of these might prevent so low a selling price of our commodities, in the foreign market, as might otherwise be necessary. But our gold was now gone, and that disadvantage of which he was speaking, was therefore one against which we were beginning to be quite unprotected. Our coin had for the most part left us in 1801. The state of our trade and foreign expenditure seemed not likely to improve materially. The exchange could not be corrected, as heretofore, by the transmission of specie. The cautious limitation of our paper was, therefore, a principle to which every consideration of prudence should lead us to resort.

Several of the first Resolutions of his right hon. friend (Mr. Vansittart) were intended to shew that there was no correspondence between the variations in the exchange for some time past, and the existing quantity of notes. He had in his former speech remarked, in reply, that at three several periods—in 1783, 1795 and 1796, and 1797—the Bank had experienced a drain of gold, had consequently restrained their issues, and had experienced a subsequent improvement of the exchange. His right hon. friend erroneously assumed that the Bullion Committee deemed the effect of a limitation of paper to be instantaneous; an error which was exposed by the amendments intended to be offered by the chairman of the Bullion Committee. The influence both of a reduction and increase of paper, though sure, might be slow, and probably would be various, both as to the degree and time of its operation: it would affect, first, one kind of commodity, then another; probably operating more early on those articles of which the sale was for ready money, reaching slowly the land, and still more slowly the labour of the country. When an over-issue of paper had produced a general alteration in the price of labour, and, through the price of labour, on that of commodities, the improvement of the exchanges became more difficult and hopeless; and this consideration ought to induce us not to delay the reduction of our Bank notes till the wages of labour had become materially affected. In the case of an alteration in the value of the coin of a country, the operation on prices, though in like manner sure, was also in like manner slow and irregular. Mr. Hume, in speaking of the successive deteriorations of the French coin, in the reign of Louis XIV. had remarked, that they did not at once produce a proportionate rise of prices. He says, "Though the high price of commodities be a necessary consequence of the increase of gold and silver," (as it surely must also be of the increase of paper currency), "yet it follows not immediately on that increase, but some time is required before the money circulates through the whole state. At first, no alteration is perceived: by degrees the price rises, first of one commodity, then of another; till the whole at last reaches a just proportion with the new quantity of specie in the kingdom. In my opinion," he adds, "it is only in the interval between the acquisition of money and rise of prices, that the increasing quantity of gold and silver is favourable to industry."—Those gentlemen who are eager to maintain an extended paper circulation, with a view of serving commerce, would do well to bear in mind this very sound observation of Mr. Hume. They should remember, that it is only by the perpetual increase of paper that their object can be fully effected. They should also reflect, that, in proportion to this increase, the exchange will be prejudiced, and the standard of the country forsaken. Mr. Hume goes on to specify some facts in proof of his general position. "And that the specie," says he, "may increase to a considerable pitch before it have this latter effect" (of raising prices), "appears, amongst other instances, from the frequent operations of the French king on the money; where it was always found, that the augmenting of the numerary value did not produce a proportional rise of prices, at least for some time. In the last year of Louis XIV. money was raised three sevenths, but prices augmented only one."

The impression intended to be conveyed by his right hon. friend (Mr. Vansittart) was this; that, inasmuch as as there was no exact correspondence between the quantity of paper and the state of the exchanges, at the periods which were specified by him, the evidence of facts was against the doctrine of the Bullion Committee, that a diminution of paper tended to moderate the exchange. His right hon. friend, if reasoning at the time of Louis XIV. might have shewn the evidence of facts to have been against the corresponding doctrine of Mr. Hume, that a debasement of the quality, and consequent enlargement of the quantity, of the coin of a kingdom, tended to raise prices. He would have only had to select some day almost immediately following the debasement, in order to shew that no perceivable consequence had followed. It then took a year to produce an effect amounting to 1-7th, when the whole ultimate effect ought plainly to be, and doubtless was, 3-7ths. The case of the Bank of France, in 1805, might, in like manner, have been turned by his right hon. friend to the purpose of proving his own point. The restriction of its paper was not effectual at once; it was not operative in any kind of regular proportion to its degree. These two cases served, nevertheless, on the whole, to establish the doctrine of the Bullion Committee. They shewed both the general effect and the irregularity of it. Nothing indeed, was more easy, than for one who, in a case like this, had the choice of the days on which he was to make his comparisons, to state facts which would seem to prove almost any thing. In one instance, his right hon. friend, arguing from the amount of Bank notes on a single day, had stated them three millions higher than a note supplied by a Bank Director (Mr. Raikes) had allowed them to be; of which error he had become so convinced, as to have altered his resolution. It was only by averages of the amount, and not by the amount on single days, and it was by looking to periods subsequent to the limitation of paper, that any sound inference could be made.

There was another species of unfairness in the Resolutions. They stated the fluctuations in the exchange and the price of bullion, for a long time preceding the suspension of cash payments; and then spoke of the variations since that period, as if these were somewhat similar in their degree. But was the House aware of the different extent of the fluctuations in the two periods? He would specify the fluctuations in the price of bullion. This was a surer test of depreciation than the exchanges. Many circumstances perplexed our inquiry into the true par of exchange; it was necessary to know, first, the exact standard in foreign countries;—secondly the degree of wear of the current foreign coin; for it was with the coin actually circulating, and not with that which was fresh from the foreign mint, that the comparison with our own was to be made;—we ought likewise to be informed whether there was any, and what, foreign seignorage; and also, indeed, what obstacles to the exportation of the foreign currency. But, besides these sources of inaccuracy, many of which were continually varying, there was another most fruitful cause of error, namely, the circumstance of the standard of this country having now for some time been gold, while that of Hamburgh in particular, as well indeed as of Amsterdam, was silver. There had been a very varying disproportion between the prices of gold and silver in the world; and this variation, as he believed, would serve to account for much of that occasionally great depression of our apparent exchange with Hamburgh in times preceding 1797, on which the opponents of the Bullion Committee had relied. The people of this country were not bound to examine into all the intricacies of the exchange, in order to know whether their standard was adhered to. The state of the exchanges merely afforded a confirmation of a depreciation of our currency; a generally high price of bullion of itself distinctly established it. What, then, was the price of bullion before 1797, and what was it now? It had never, before 1797, except in the South Sea year, and at the time when our coin was deteriorated, risen higher than 4*l.* 1*s.* 6*d.* per oz. and had scarcely ever reached that point; that is to say, it had never fluctuated more than from 3*l.* 17*s.* 10*d.* to 4*l.* 1*s.* 6*d.*—it was now 4*l.* 14*s.* It had not exceeded its proper mint price by more than 3*s.* 8*d.* or 2 to 3 per cent. in the one period—it exceeded it by 16*s.* 2*d.* or 15 to 20 per cent. in the other. Was it fair, then, to infer, or to imply, that because we had occasionally departed from the standard before 1797, to the extent, at the utmost, of two or three per cent.; we need not now regard a departure from it of fifteen or twenty per cent.? The Bullion Committee had never intended to say, that no deviation from the standard of our coin, however small, ought to be tolerated. They were not in this respect the theorists which they were sometimes represented to be. They, indeed, affirmed bullion to be the standard; and the more the subject was examined, the more did it appear that we had either this standard or none; but they allowed of a moderate departure from it. Nothing human was perfect. The very mint, though it professed to convert a pound of gold into forty-four and a half equal parts, or guineas, did not effect their object with mathematical precision, and to their deviation was given the technical name of a remedy. Even the most minute departure of this kind below the standard might be called a depreciation. Through the wear of guineas there arose a further depreciation, which the parliament had taken care to limit, by making them cease to be a legal tender when their weight fell below about one per cent. The strictness of this limit shewed the principle in the mind of parliament; it proved that depreciation to a certain extent was contemplated, and that depreciation beyond that point was thought an evil to be carefully provided against. The operation of our laws, which prevented the melting and exportation of coin, had led to a further increase of the difference between the market price and mint price of gold, or in other words, to a further depreciation. The effect produced by all these causes had never, before the suspension of cash payments in 1797, been such as to cause the actual currency of the country to differ from bullion more than to that extent of two or three per cent. which he had stated, except on the two occasions which he had spoken of. The people, therefore, up to that time, were secure of having the value of their currency thus far sustained. The liability of the Bank to pay in cash, guaranteed to them a paper incapable of departing below bullion further than in the degree which he had mentioned. At the present time this paper was fifteen or twenty per cent. below bullion, and they had no security against a further, and even indefinite depression. It was said, that gold itself had risen; but even if it had, gold being the standard, we were bound to hold to it: we had held to it in its general fall, and we ought to abide by it in its general rise also. The argument that gold had risen would justify an adulteration of the gold coin, just as much as it would justify the present depreciation. On the whole, he thought, that to confound the little differences between the market price and mint price of bullion before 1797, with the great difference at present, was most unfair. The difference, it was true, might be said to be only in degree, but degree was every thing in this case; and it was remarkable, that the Resolution of his right hon. friend studiously forbore to specify the amount of the difference between the market price and mint price of bullion at the two periods.

There remained only one other topic on which he had to remark.—The Resolutions of his right hon. friend assumed that the notes of the Bank of England were not excessive, because the difference between their numerical amount now and in 1797, was not greater than the comparative trade and expenditure at the two periods would fairly justify.

The notes of 5*l.* and upwards, for the average of three years before 1797, were about 10,700,000*l.* and for the average of the last three years, were about 14,200,000*l.* He would fairly say, that if he had been asked to pronounce them excessive on the simple ground of their relative quantity at the two periods, he might have hesitated to do it. He should have inquired what was the state of the exchanges and the price of bullion, and should have formed his judgment chiefly by the answer to this question. He was, however, very far from admitting, on the other hand, that the due limitation of them could be presumed from what was called the small extent of their increase. There was much misconception on this subject, which those who, like himself, were acquainted with the money transactions of the metropolis, were best able to remove. A very increased degree of economy was practised in the use of notes. Gentlemen uninformed on this topic naturally assumed, that when our trade and revenue and public expenditure were extended, the amount of notes requisite for these enlarged payments must be nearly proportionate. But this was very far from being the case. In the infancy of paper credit, the circulation of such an establishment as the Bank of England might regularly and uniformly increase: a time, nevertheless, would come when it would begin to diminish; but exactly at what period, and in what degree, this change would take place, was not easily ascertained. When the Bank was instituted, and for some time afterwards, the fund which private bankers, who were then goldsmiths, kept in store as a provision against emergency, consisted chiefly of gold; but by slow degrees it became Bank of England notes. The papers before the House would accordingly shew how very trifling was the circulation of the Bank at an early period of their establishment, and how greatly it after a time advanced. But it was not regularly progressive in proportion as confidence increased. The banker suffered a loss of interest proportionate to the amount of Bank paper in his possession; for which, therefore, he would be disposed to substitute a paper from which no such disadvantage accrued. Exchequer bills furnished one provision of this sort. They yielded interest to the banker, and yet were convertible by a very short and sure process into bank-notes. Bank paper, therefore, was by no means the perfection of the system; it was not his "last and best supply." The last and best supply had been furnished from the Bank of the right hon. the Chancellor of the Exchequer, who well knew to what an extent his issues of this kind had been recently carried. Bills of exchange also, and other articles of a similar nature, served exceedingly to spare the use of notes; and a variety of devices was resorted to for the same purpose. As in many manufacturing concerns there had been a perpetual exercise of ingenuity, and a consequent abridgment of labour; so in the banking system there had been an exertion of the talents of individuals in producing the necessary quantity of notes. Evidence had been given before the Bullion Committee of the increasing number of money-brokers, who passed from one banking-house to another, and supplied the daily and hourly wants of one quarter, by carrying away the superfluity of another. If we could suppose the sixty or seventy bankers of the metropolis to be reduced to six or seven, it was obvious that a very diminished quantity of notes would suffice for the same business. The improvements in the banking system tended to unite, as it were, into one house, for the purpose of which he was speaking, even those bankers who held no direct communication with each other.

The quantity of notes kept by private families was also, as he believed, continually diminishing through the increased habit of employing bankers, and of circulating drafts upon them, in and round the metropolis. The circulation of Bank of England notes in the country (he still spoke of those of *5l.* and upwards), had probably also diminished, in consequence of the immense increase of country banks. The sum total of the stock of Bank of England notes kept in store by these banks might be augmented; but that stock consisted, in a great degree, of those *1l.* and *2l.* notes, which he had left out of his calculation.

The hon. gentleman concluded with observing, that he was conscious of having left almost untouched many important parts of this extensive subject. The material point, however, of the nature of the standard, over which so much obscurity was thrown by the present Resolutions, had been so very ably and satisfactorily treated by the right hon. gentleman over the way (Mr. Canning), as well, indeed, as by the honourable gentleman near him (Mr. Huskisson), that he had felt little inclination to dwell upon it: but he could not sit down without adverting once more to the first of the Resolutions now proposed, in which the right of the crown to vary the standard, both with and without the concurrence of parliament, seemed to be asserted. It might be true, that to the king, generally speaking, was committed the regulation of the coin of a country; but the language which he should be disposed to use, would be that, not of his right hon. friend, but rather of sir Thomas Rowe, at the council table of Charles I.;—a language, indeed, in the first words of it a little resembling the Resolution on which he was animadverting, but far different in its conclusion. "The regulating of coin," said sir T. Rowe, "hath been left to the care of princes, who have ever been presumed to be the fathers of the commonwealth. Upon their honours they are debtors and warrantees of justice to the subject in that behalf."

Dr. A. Smith had observed, that "in every country the avarice and injustice of princes and sovereign states, abusing the confidence of their subjects, has by degrees diminished the real quantity of metal in their coin." This was an evil to which, in times of difficulty, like the present, all nations were prone. The Romans (observed the same author), in the later and worse times of their country, reduced their coin to one twenty-fourth. England had reduced her pound only to one third. Scotland enjoyed the honour, and had also had the advantage—for such the principles of the right hon. bart. over the way (sir John Sinclair) would probably lead him to consider it—of having reduced its coin to one thirty-sixth; France to one sixty-sixth. He had always deemed it highly creditable to England, that the deterioration of her standard had been comparatively so small; but we seemed to be now willing to expose ourselves to the danger of giving way to this temptation, while Hamburgh and Amsterdam, and our great adversary in France, were superior to it. Their several standards were sustained. That we might not yield in this respect to the pressure of our present circumstances, was the chief object for the sake of which he had spoken. A country seldom was sensible of the first steps taken in this downward course; and it therefore belonged to those who possessed an extensive knowledge of such subjects, and adverted to the history of other nations, to point out the approaching danger.

He feared that the members of the Administration, partly, perhaps, through their having taken in the first instance a too transient view of the question, in consequence of their multiplied employments, and of their having then committed themselves too hastily upon it; partly also through a wish to enjoy the present benefit of an extended issue of paper in their financial and political concerns, were not the safest guides on the present occasion. He had endeavoured, for his own part, to fulfil his duty, both as an individual of the Bullion Committee and as a member of parliament; and though he had not dwelt in his speech on the difficulties by which we were encompassed, he had not formed his judgment without taking them fully into his consideration.

Mr. *Canning* rose and said: I should not have thought it necessary, Sir, to trouble the Committee with the expression of my sentiments in this night's debate, after the able and lucid speech of the hon. gent. who spoke last, if I had not been desirous of addressing myself more particularly than he has done to the Propositions now brought forward, in the shape of Resolutions, by the right hon. gent. opposite to me, which are the immediate subject of this night's deliberation.

I should indeed be unpardonable, if, after having already trespassed at so great length on the indulgence of the Committee when the original Resolutions were under discussion, I should again expatiate upon the general subject which I conceive to have been disposed of by the vote of the former night. The present, however, is a very different question from that which was then decided. We decided by our former vote, not to adopt the practical recommendation of the Bullion Committee. In that vote I concurred. We decided farther, not to sanction and record the declaration of the principles of our money system, on which the recommendation of the Bullion Committee was founded. In that decision I did not concur, and it is one which I deeply regret; because those principles were, as I think, correctly defined in the original Resolutions; and because I think that a declaration of them under the sanction of this House, would have been eminently useful at the present moment.

But the House having thought otherwise; and having rejected all the Resolutions of the hon. and learned gent.; my next wish would have been, that with that rejection the whole discussion should have terminated. Why pursue it farther? The Bullion Committee is defeated; its doctrines are, at least, for the present set aside. Why could not its antagonists be contented with this negative victory? Why must they aim at the unnecessary and perilous triumph of substituting their own doctrines in the place of those which they have discomfited?

In the majority of the former night

were numbered many persons who profess to disappprove of abstract propositions. Those persons must, in common consistency, oppose the Propositions of the right hon. gent., which are to the full as abstract as the original Resolutions. In that majority were many who not only did not agree with the right hon. gent. opposite to me, in denying the existence of a depreciation of the paper currency; but who distinctly declared their entire conviction of the existence of that depreciation, and only thought it too notorious and undeniable to require the formality of a parliamentary affirmation. Can those persons be expected by the right hon. gent. to concur in the Resolutions which he is now bringing forward? Others again there were, who, neither admitting nor denying the depreciation, were desirous only of escaping from the necessity of a decision either way; contending that no result could be so satisfactory, as the discussion itself was mischievous. Will those persons thank the right hon. gent. for reviving a discussion which, if it had finally closed on Friday night, would have left them in quiet possession of their doubts,—doubts which any man might very reasonably prefer to a decision in support of the right hon. gentleman's third Resolution?

Independently of this violence to the feeling and judgments of his supporters, has the right hon. gent. no consideration for the reputation of the House of Commons itself, when he calls upon us, by voting that Resolution, to affirm a proposition, which I will venture to say, no man without the doors of the House, could affirm with a grave countenance?

The third Resolution is the essential part, the soul and spirit of the right hon. gentleman's system. Of the other Resolutions, the 1st and the 15th are the only two, which, in my view of the subject, appear to require particular observation. The remainder, from the 4th to the 14th inclusive, contain a vast variety of statements, historical, political, commercial, financial, and agricultural; some accurate, some inaccurate; but all valuable rather from their intrinsic erudition, than from any very near connexion with the subject before us. With none of these, therefore, shall I presume to meddle.

But, before I proceed to the three Resolutions in which the whole of the right hon. gentleman's argument lies, I must say a word or two in answer to a challenge of the right hon. gent. as to his 16th and 17th Resolutions. He states, and states very truly, that I had declared myself ready to vote for those two Resolutions, provided they were prefaced and introduced, not by his own preceding Resolutions, but by the first ten of the original Resolutions moved by the hon. and learned chairman of the Bullion Committee. The right hon. gent. triumphs in this declaration of mine, as if it had been a concession to his argument, instead of an exposition of my own. He has caught me in a great inconsistency, it seems. And what is this inconsistency? That I am ready to affirm two things irreconcilable with each other?—that I would vote premises that did not bear out their conclusion, or a conclusion contradictory to its premises? No such thing: but simply, that I am ready to adopt the premises suggested by one man, and the conclusion drawn by another. This is what he considers as an inconsistency; as if consistency had reference not to the compatibility of doctrines, but to the identity of the persons holding them.

It is true that if the first ten of the original Resolutions had been carried, I should not have objected to adding to them the two concluding Propositions of the right hon. gentleman. But I cannot consent to vote for them by themselves, nor if introduced by his own preceding Propositions.

I am not, any more than the right hon. gent. himself, for changing the period now fixed by law for the repeal of the Bank Restriction. I could therefore have been contented to vote for the 16th and 17th of the right hon. gent.'s Propositions if those principles respecting the standard of our money, which were luminously and accurately developed in the Resolutions moved by the chairman of the Bullion Committee, had been previously recognized and sanctioned. The truth of these principles once admitted, there might have been comparatively little danger in deciding either way the question, whether the period for returning to the strict practical application of them should be accelerated. But to decide that question in a way which should imply a denial of the truth of those principles, would be productive of a mischief than which none can be greater, except indeed that of adopting the right hon. gent.'s Resolutions, in which the truth of those principles is denied, not by implication but directly.

To have abstained from adopting the

original Resolutions, provided no others were agreed to in their room, would be to leave the true principles of our money system unvouched indeed, but not discredited; and to leave the Bank Restriction precisely as it stands. To declare the continuance of the Bank Restriction by adopting the right hon. gent.'s 16th and 17th Resolutions only, without adverting at the same time to the principles laid down by the Bullion Committee, would be to leave it matter of doubt whether the restriction was continued because those principles were false, or only because their force was overborne by considerations of expediency. This result would be unsatisfactory enough. To adopt and record the right hon. gent.'s premises as the foundation of his own conclusion, would be in his view, no doubt, perfectly consistent; but it would be a consistency obtained at no less an expence than that of abrogating, so far as the Resolutions of this House can abrogate it, the whole system under which the currency of this country has been hitherto regulated and preserved in a state of purity and integrity, equally creditable to the character of the state, and to the unceasing vigilance and anxiety of parliament.

In matters which have been frequently the object of parliamentary revision, it is no light thing to come to resolutions of a general and abstract nature without taking the former proceedings of parliament for our guide.

If they who dissented from the doctrines of the Bullion Committee thought the errors of that Committee the more formidable on account of the authority by which they were inculcated, how much more cautious ought we to be in ascertaining beyond possibility of doubt, the truth of those doctrines which we are now called upon to promulgate by the much higher authority of the House itself?

A declaration of the law by one of the branches of the legislature ought not to be made at all but for a grave and adequate object; and at least ought to be unimpeachably correct.

Let us examine the right hon. gent.'s first Resolution, in this double view. First, let us see how far it is positively correct; and secondly, what is the object to which it is directed, and how far it attains that object.

That the right of establishing and regulating the legal money of this kingdom is a prerogative of the sovereign, is most undoubtedly true; that the sovereigns of this kingdom have at different times altered the value of such money, is also true—if by value be intended only the denomination of such money, that is the rate at which any given quantity of gold or silver should be current within these realms. But "value," absolutely stated, is by no means a correct expression. To alter the positive intrinsic value of the precious metals, or make it other than it is by nature, and by the relation which those metals bear to other commodities, is a power, which neither kings nor parliaments have hitherto, so far as I know, arrogated; but the existence of which to be sure would at once put an end to all dispute, and give to the right hon. gent., and those who side with him, a complete triumph. If value were indeed the offspring of authority, there is no doubt but that paper or pasteboard, or any viler material, might be raised by that authority to a level with gold. But the only power which sovereigns have ever yet exercised or claimed, has been to fix the rate or "current" value of coin within their own dominions.

Nor is it merely an inaccuracy of expression to omit this qualification of the word "value." It is an inaccuracy which may lead to serious misconception in a case where the whole controversy turns upon this single question, "whether there be or be not an inherent inextinguishable value in the precious metals estimated according to their relation to other commodities generally, throughout the world; and independent of any arbitrary valuation, which positive edicts or enactments can affix to them?" The right hon. gent.'s proposition as it stands, without the addition to the word "value," of the epithets "current" or "denominative," would go to favour the notion that edicts and enactments have this power; a notion so wild that it might seem almost unnecessary to guard against it, if it, or something very like it, were not in fact the foundation of almost all the right hon. gent.'s arguments.

He cannot, however, intend to avow such a notion. He will therefore, I presume, have no objection to qualify the word "value," by the addition of one or other of the epithets which I have suggested. So qualified, the proposition, that the Sovereign has at times varied the "current" or "denominative" value of the coin, would be true, and perfectly harmless.

The Resolution proceeds to state, that this has been done by proclamation, "or" by act of parliament.—This is also a true proposition; but upon this also I must observe, that it is not stated with sufficient qualification. The Resolution seems to imply that the option between the two modes of proceeding is perfectly arbitrary; that parliament may be either admitted into, or excluded from, a share in the operation, exactly according to the will and pleasure of the crown. But, I would take the liberty of suggesting to the right hon. gent., that it was not enough to state the abstract principles and theory of the constitution; it was incumbent on him to state them as they have been acted upon, as they are modified by practice, as they are to be found, not in the proclamations of Henry 8th, but in the statute book; in statutes of the last century; in those of the present reign.

The Sovereign (says the right hon. gent.) can alter the value of the coin. But can he do that at the present moment, without consent of parliament? Can he do it against existing acts of parliament? Can he, except by the aid and concurrence of parliament, repeal the acts of the 14th of the present reign, which were passed on occasion of the last re-coinage of the gold; and which must be repealed or amended, if any alteration should be made in the current value of the guinea?—Unquestionably the King, according to the theory of the prerogative, can, by his proclamation, reduce or raise the denomination of the current coin. But, if by doing so, he would place his subjects in the dilemma of either disregarding his proclamation, or acting in contravention of an act of parliament; would it be in that case a sound or a safe statement of the law, to give a naked definition of the prerogative, without reference to the practical restrictions by which the exercise of it must necessarily be controuled?

Are the opinions of lawyers so settled and uniform upon this subject as to warrant the right hon. gentleman's sweeping and unqualified assertion? Do lawyers agree that there is no limit to the power of the crown in this respect? that the crown may give what current value it pleases to coin, which it may debase at its pleasure?

I do not assert that all such authorities are uniformly the other way: it would, perhaps, be difficult to name that branch of the prerogative which has not been exalted to an excess in the speeches or writings of some one or other of the great crown lawyers who have spoken or written upon the prerogative. But such opinions, even if they were more general than they will be found to be, surely could not avail against positive statute.

"The denomination," says Blackstone, "or the value for which the coin is to pass current, is likewise in the breast of the King; and if any unusual pieces are coined, that value must be ascertained by proclamation. In order to fix the value, the weight and the fineness of the metal are to be taken into consideration together. When a given weight of gold or silver is of a given fineness, it is then of the true standard, and is called sterling. Of this sterling metal all the coin of the kingdom must be made by the statute of 25 Ed. 3, cap. 15; so that the King's prerogative seemeth not to extend to the debasing or enhancing the value of the coin below or above the sterling value: though sir Matthew Hale appears to be of another opinion."

The right hon. gentleman may perhaps tell me that his opinion agrees with that of sir Matthew Hale; to which Judge Blackstone here refers as seemingly more favourable to the prerogative than his own. But if he will look into that elaborate and instructive treatise, which contains an abstract of all the learning and of all the history relating to our coinage—I mean the Letter of the late Earl of Liverpool to the King—he will there find in what respects the legislature has limited the exercise of that prerogative, since the death of sir Matthew Hale. He will find it stated, that even in sir Matthew Hale's opinion, "though this great prerogative is unquestionable, it is certainly advisable that in the exercise of it, whenever any great change is intended to be made, the King should avail himself of the wisdom and support of his parliament." "Sir Matthew Hale observes," says lord Liverpool, "that it is neither safe nor honourable for the King to imbase his coin below sterling; if it be at any time done, it is fit to be done by the assent of parliament;" and he concludes, that on such occasions *fieri non debuit, factum valet.*"

Even if such were still the state of the prerogative, would it justify a Resolution of the House of Commons, which describes that prerogative as absolute and indefinite, and describes "the assent of parliament" not as that with which, according to sir Matthew Hale, "it is fit" hat such alteration should be made, if made at all; and without which, according to the same authority, "*fieri non debuit*;"—but merely as that which it is optional with the crown to ask or not to ask, according to its good pleasure? Would such a Resolution have befitted the House of Commons, even at the time when sir Matthew Hale wrote? Is it possible to pass it now; when that prerogative, which by sir Matthew Hale was considered as unfit to be exercised without consent of parliament, stands actually limited by statute?

Let us next consider what is the object with a view to which this exposition of the law is made, and how far that object is attained by it.

The question in agitation is, whether our paper currency be or be not depreciated? The price of gold in that paper currency is adduced in proof of the depreciation. What answer is it to this question—what refutation is it of this proof, to say "The King's prerogative can alter the value of the coin?"—Granted that it can. At least it has not done so in the present instance. The coin is not varied in value: the paper currency, it is contended, is. The King's prerogative has nothing to do with the paper of the Bank. The paper of the Bank is not (God forbid it ever should be!) the legal money of the realm. How, then, does the King's prerogative decide—how does it even affect—the question as to the depreciation of Bank paper? It can by no possibility affect it at all, unless the right hon. gent. be prepared to address us in something like the following manner—"The King has a power to make whatever he pleases money; and to make that money of what value he pleases. If you murmur at the supposed depreciation of Bank notes, beware that you do not provoke an exercise of the prerogative, which shall make those Bank notes to all intents and purposes legal money; or which shall cure that pretended disparity between paper and gold about which you clamour so loudly, by raising the denomination of the coin."

Is this what the right hon. gent. means to say? If so—though I do not think that there would be much wisdom in the measure,—I admit that his Resolution is an apt and natural introduction to it. I can at least understand its application to the subject. I can see what is meant by it. But unless this be his meaning, I am at a loss to conceive how the assertion that the paper currency is actually depreciated, is disproved, or even touched by the assertion of the King's prerogative to establish and alter at his pleasure the legal money of the realm.

The Resolutions on the subject of the coinage laws, which we rejected on a former night, and for which this of the right hon. gent. is intended as a substitute, had a direct and sensible bearing upon the question in dispute. In affirming the depreciation of the paper currency, it was necessary to define the standard by which such currency was to be measured. The hon. and learned mover of the original Resolutions did define it, and, as I think, with perfect truth, as well as precision. Can it be the right hon. gentleman's intention, by stating with such laxity the absolute and indefinite power of the crown over the legal money of the realm, to imply that, where every thing is liable to such arbitrary fluctuation, there can be no fixed standard by which to measure the value of the currency? If his argument be good for any thing, it can only be so by being pushed to this extent: but even then it affords no answer to the Resolutions of the hon. and learned gent. Those Resolutions asserted that the paper currency is in a state of depreciation, if measured by the existing standard of our legal currency. The right hon. gent. does not contradict this assertion; he passes it by; he says nothing at all as to what the standard of our currency really is; but contents himself with disparaging its fitness as a measure of value, by insinuating that, whatever it may be at the present moment, the King has, by his prerogative, an unlimited power of changing it.

But, again, even if the King has this power, it is not pretended that he has in point of fact thought fit to exercise it. If any part of our currency has been varied in its value, either in respect to another part of it, or in respect to the standard, it is not pretended that this has been done by the interposition of the crown. The complaint is, however, that such a variation has in fact taken place in the value of Bank paper. What answer is it to this complaint, to say, that though the King has not, yet he might, if he pleased, have made a like variation in the current value of the coin?

There is, however, another operation of the prerogative, which, to make his definition complete, the right hon. gent. ought to have noticed; but which he has altogether omitted, perhaps because he saw that it would bear inconveniently upon his argument: I mean the King's power of giving currency to foreign coin within his own dominions. Now one of the plainest illustrations of the actual depreciation of our paper currency has been derived from the change which has been recently made in the current value of the dollar.

"The King," says Mr. Justice Blackstone in the same part of his work to which I have already referred, "may also, by his proclamation, legitimate foreign coin, and make it current here; declaring at what value it shall be taken in payments. But this, I apprehend, ought to be by comparison with the standard of our own coin; otherwise the consent of Parliament will be necessary."

"This great prerogative," says lord Liverpool in his Letter to the King, "which the kings of this realm have immemorially enjoyed and exercised, of giving currency to the coins made at their mint, and sometimes to foreign coins, at a determinate rate or value, and of enhancing and debasing them at their pleasure, is of so important and delicate a nature, and the justice and honour of the Sovereign, as well as the interests of the people, are so deeply concerned in it, that it ought to be exercised with the greatest judgment and discretion."

We here see the limitations in point of law, which, in the opinion of so able a lawyer as Blackstone,—and those in point of prudence and discretion which in the opinion of so profound a practical statesman as the late earl of Liverpool,—would have governed the exercise of the prerogative of the crown in giving currency to the dollar. Have these limitations, has this caution, been observed in fixing the rate at which the dollar now circulates? The intrinsic value of the dollar "by comparison with the standard of our own coin,"—as compared for example with the British crown piece, is nearly in the proportion of nine to ten. The current rate at which the dollar circulates, as compared with the crown piece, is now in the proportion of eleven to ten.

By what authority has so strange an anomaly been introduced into our money system?—an anomaly which, according to Blackstone, the crown in the exercise of its prerogative is bound to avoid. By an ordinance of the Bank. The prerogative of the crown, we have seen, might have given currency to the dollar: but it could only have done so at a rate proportionate to its intrinsic value, as compared with the standard of the realm; or for any deviation from that standard it must have obtained the concurrence of Parliament. But the thing is done. It is one of the main features of our present system. It makes one of the grounds of the complaint which the right hon. gent. proposes to answer by the authoritative language of his first Resolution. And how does he answer it? By referring to the prerogative of the crown as the authority by which alone the currency can be regulated; and yet omitting altogether a part of that prerogative, so essential to the present subject, as the power of giving currency to foreign coin! He omits it—Why?—Evidently because he could not state it, without acknowledging at the same time that the rules by which the exercise of that part of the prerogative has always been governed, have been entirely neglected in the issue of the dollar at its present rate; and because he could not make that acknowledgment without avowing the depreciation of our currency.

Before the late ordinance of the Bank, nine crown pieces would have exchanged for ten dollars. Now ten dollars cannot be had for less than eleven crowns. If this be not depreciation, what is it? Perhaps, I shall be warned that this argument proves too much; for that the depreciation here established would be that of the lawful coin of the realm,—not of the paper currency, of which alone the depreciation is asserted.

I answer,—the depreciation of the lawful coin in respect to the dollar is effected through the medium of the paper. If the crown piece and the dollar circulated together without the intervention of the paper, it would be impossible that they should bear to each other, any other relation than that which arises naturally from their respective intrinsic values. It is by the intervention of the paper, which measures the one according to its nominal, the other according to its intrinsic value, that this relation is forcibly inverted, and the more valuable is degraded below the less valuable coin.

I shall probably be told, however, that the dollar is a mere token; it is no more than a promissory note in silver, which no man is bound to accept in payment. This s perfectly true: but it is a singular argument to be relied upon by the practical chool,—since it is no less true that the ollar, such as it is, constitutes in fact by ar the greater part of the metallic currency now in circulation. In the same way t has been argued, that a Bank note is not a legal tender, that no man is bound to take a Bank note from his neighbour in satisfaction of a just debt. This also is true: but it is no less so that the public creditor is bound to receive Bank notes, or at least can get nothing else, in payment of his demand upon the state; and it seems to be no great consolation to the public creditor to be assured that what he is compelled to take from the government, nobody is compellable to take rom him.

This being then practically the state of our currency, what satisfaction, I must again ask, does the first Resolution of the right hon. gent. afford to those who complain of the depreciation of Bank paper, by stating, and stating as it appears, incorrectly, the money prerogatives of the crown?—prerogatives which, in respect to the bulk of our currency,—the paper,—have no operation at all; and which in respect to the small portion of metallic currency which we possess, have been suffered to lie dormant and passive, while that currency has been regulated by another authority on principles directly contrary to those by which the crown must have been guided in giving currency to a foreign coin?

This Resolution therefore the House of Commons cannot but reject: first, because it is defective as a definition of the prerogative which it affects to define; secondly, because it is wholly inapplicable to the only points about which there is any dispute, namely, Bank paper, which is out of the province of the prerogative; and the foreign silver currency, of which in fact it has taken no cognizance; and lastly, because it is calculated, by implication at least, to exclude parliament from all share in the regulation of a subject in which, in all good times, parliament has claimed it as a right, and felt it a duty to interfere, whenever the occasion has called for its interference.

It is impossible to pass over the second Resolution without observing, that it remains liable to the objection which I took the liberty of making to it in a former debate. The words "on demand" are still omitted: I trust, the right hon. gent. intends to supply this omission. I must say, that the persisting in it would afford just ground of serious suspicion and alarm.

I now come to the main Resolution of all, the third. This it is that contains the sum and substance of all the right hon. gentleman's arguments and doctrines; and to which I cannot believe it possible, until the vote shall actually have passed, that any assembly of reasonable men can be persuaded to give their concurrence. The Resolution is as follows: 3. "That the promissory notes of the said Company have hitherto been, and are at this time, held in public estimation to be equivalent to the legal coin of the realm, and generally accepted as such in all pecuniary transactions to which such coin is legally applicable."

The right hon. gent. in stating what he considered to be the effect of this Resolution, made use of an expression which does indeed most truly describe its character, and the character of that assent which he reckons upon obtaining to it. By this Resolution, said the right hon. gent. we "pledge ourselves to believe the equivalency of Bank notes to coin."—Pledge ourselves to believe! This is perhaps more than any man ever before avowed of himself; but certainly more than any man ever openly declared his intention to exact from others. Belief is not usually matter of volition; therefore one should think, it cannot reasonably be made matter of undertaking and engagement. Of all martyrs of whatever faith, I have always conceived the just praise to be, that they adhered stedfastly to a belief founded on sincere conviction; not that they anticipated that conviction by pledging themselves beforehand what their belief should be. The right hon. gentleman's martyrdom is of a superior description; it not only professes its faith, but creates it: and, to say the truth, it does require a faith, rather of the will than of the understanding, to believe the doctrine which the right hon. gent. has promulgated in his third Resolution.

The right hon. gent. however, has not done full justice to his own Resolution. The pledge which it contains goes much farther than he describes. It is not we, the resolvers, that are pledged by it to the creed of the right hon. gent.: it pledges all mankind, except ourselves. It is so contrived that even I might consistently vote for it, denying as I do every syllable of the doctrine which it contains. Whatever other merit the Resolution may want, this is at least ingenious, and I think I may venture to say it is altogether new in parliamentary proceeding.

The object of the right hon. gent. is to settle the public mind on a question on which there is great division of opinion. —There are various modes on which the public mind may be settled in matters depending on positive authority. The first is, proclamation by the King, where the subject matter is one to which the royal prerogative is of itself competent; and such the right hon. gent. contends this matter to be. A second mode is by act of parliament, in which the united wisdom of the two branches of the legislature is sanctioned by the authority of the crown. A third mode is by concurrent resolution of the two Houses of Parliament, declaring their joint opinion. A fourth mode is, by resolution of one or other House of Parliament declaring its opinion alone. But to these four recognised modes, it remained for the ingenuity of the right hon. gent. to add a fifth; that of a resolution of the House of Commons, declaring not its own opinion, but that of the litigants themselves.

Are Bank notes equivalent to the legal standard coin of the realm? This is the question which divides and agitates the public opinion. I, says the right hon. gent. will devise a mode of settling this question to the satisfaction of the public. By advising a proclamation? No.—By bringing a vote into Parliament? No.—By proposing to declare the joint opinion of both houses or the separate opinion of one? No.—By what new process then? Why, simply by telling the disputants that they are, and have been all along, however unconsciously, agreed upon the subject of their variance; and gravely resolving, for them, respectively, an unanimous opinion. This is the very judgment, I should imagine, which Milton ascribes to the venerable Anarch whom he represents as adjusting the disputes of the conflicting elements:

> Chaos umpire sits,
> And by decision more embroils the fray.

That the public would have bowed in reverence and submission to the pronounced opinion of the House of Commons, cannot be doubted: but when the House of Commons speaks, not as a judge but as an interpreter, it can hardly expect to be regarded as infallible by those whose sentiments it professes to interpret.

"In public estimation," says the right hon. gentleman's Resolution, "Bank notes and coin are equivalent." Indeed? What then is become of all those persons who for the last six months have been by every outward and visible indication evincing, maintaining, and inculcating an opinion diametrically opposite? Who wrote that multitude of pamphlets, with the recollection of which one's head is still dizzy? What is become of the whole class of readers of those pamphlets, of whom to my cost I was one; and a great number of whom at least were convinced, like me, of the actual depreciation of our paper currency? Were these writers and readers no part of the public? or does the right. hon. gent. apprehend that his arguments must have wrought their conversion? Far be it from me to say that, whatever I may think of his arguments, the authority of his name would not have great weight with me and with the public. Therefore do I regret that, if he does not think fit to frame his resolution in the name of the House of Commons, he should not at least resolve in his own name the equivalency which he is so bent upon establishing. A Resolution, importing that "in the estimation" of the right hon. gent. individually, "Bank-notes are equivalent to the legal coin of the realm," though I do not pretend to say it would carry all the force of a decision of the legislature, would yet be a prodigious comfort even to those who are hardened in their disbelief of that equivalency; as it would show them in what quarter to apply when they wished to make an exchange on equal terms.

Nor would such a declaration of individual opinion, though unusual, be wholly without example. I saw the other day an address to the public, from a patriotic Lottery-office keeper, which in truth I should think had not escaped the right hon. gentleman's notice, since his third Resolution is nearly a transcript of it. This worthy distributor of the favours of fortune disclaims in the most indignant terms the intention to "make any distinction between Bank-notes, and the current coin of the realm." He is, "at all times ready," he says, "to serve the public with tickets or shares, on equal terms for either." Why should not the right hon. gent. give a similar demonstration of the sincerity of his own opinion? It is obvious, that if the lottery office keeper, instead of speaking for himself, had only declared that "in the estimation of the public," Bank-notes and coin were equal, this assurance would have gone but for little; and I really cannot see why, in adopting as he has done, the very words of the lottery advertisement, the right hon. gent. should decline adopting the advertiser's test of his sincerity.

I must however observe, that the right hon. gent. carries his doctrine somewhat farther than his prototype, the lottery office keeper. The advertisement is much more cautiously worded than the Resolution. The advertisement only affirms the equivalency of Bank-notes to the "current" coin of the realm. The Resolution says, that they are equivalent to the "legal" coin. Now the assertion of the advertisement may be perfectly safe from contradiction, forasmuch as, "current" coin of the realm, there is at this moment, none. But the "legal" coin of the realm, though driven out of circulation, is capable of strict definition: the right hon. gent.'s proposition therefore admits of a test, which the advertiser's does not. To make his proposition perfect, the right hon. gent. ought to define both those things which he declares to be equivalent to each other. Bank notes he has defined in his second Resolution: they are "engagements to pay certain sums of money in the legal coin of this kingdom." But he has omitted to define the "legal coin."

With his leave I will venture to remind him that one pound in sterling money of this realm is either $\frac{20}{21}$ of a guinea weighing not less than 5dwts. 8grs. standard fineness; or it is $\frac{20}{62}$ of a lb. of standard silver. Does the right hon. gent. object to either of those definitions? If not, does he maintain his proposition of equivalency? Does he maintain that a one pound note is equivalent to $\frac{20}{21}$ of a lawful guinea, or to $\frac{20}{62}$ of a lb. of standard silver? Does he not know that a guinea is intrinsically worth not a pound-note, with one shilling in addition, but with the addition of four or five shillings, at the present moment; and that so far from purchasing nearly the third part of a lb. of standard silver, a Bank-note of 1*l.* would now purchase little more than the fourth part of it?

But the right hon. gent. warns us, that we overlook the force and real meaning of the word "legal" as employed in his Resolution. He alludes not to the laws which have fixed the standard, and which ensure the weight and purity of our coin; but to those which provide by wholesome penalties against the influence of its real upon its denominative value. The gold *of* a guinea may be worth what we will; the Resolution applies only to the gold *in* a guinea. It does not say that a Bank note is worth as much as a guinea. It says only that the guinea can pass for no more than the bank note. It ties the living to the dead, and then pronounces them equal to each other. The gold which is necessary to constitute a guinea, may be worth twenty-six or twenty-seven shillings. The right hon. gent.'s business with it commences only when it has received the stamp and sanction of the sovereign. It is then that, degraded by this distinction, and restricted by this guarantee, it loses about a fifth of its value, and becomes worth only a one-pound note and one shilling.

Be it so. This then may be the state of the law; but how does this prove "public estimation?" If the Resolution had purported merely that by law the guinea could pass for no more than twenty-one shillings, perhaps the right hon. gent. may have the law on his side. But this proposition he had the sagacity to see would not answer his purpose. It would do nothing for the Bank note. It would settle the proportion between gold and silver coin; but not between either of those metals and Bank paper. Bank paper, until it is made the paper of the state, and a legal tender (which as yet happily it is not), must depend upon confidence for its value; and I am afraid that confidence may rather be impaired than restored by such a Resolution as the right hon. gentleman's.

There is, however, yet one addition, which qualifies the right hon. gentleman's proposition. Bank notes are not only "equivalent to legal coin," it seems, but are "generally accepted as such;" which to be sure it is natural to expect they should be, if equivalent. They are so accepted, however, not in all transactions. No,—only in "transactions to which such coin is legally applicable." There are transactions then, it seems, in which they are not accepted as equivalent? Yes,—but those transactions are not legal ones. Is the purchase of gold bullion a legal transaction? I presume it is. A lb. of gold bullion is at this moment worth about 58*l.* 16*s.* in Bank notes: 58*l.* 16*s.* in guineas, according to their current value, makes fifty six guineas. Now forty-four and a half of these guineas, we know, weigh exactly 1lb. The right hon. gent., therefore, means gravely to affirm that there exist persons who will with equal readiness give 58*l.* 16*s.* in Bank notes, or fifty-six golden guineas, in payment for a commodity which is intrinsically worth exactly forty-four guineas and a half. It warms one's heart to hear such heroic instances of more than Roman virtue: but I must be permitted to doubt whether they can be truly stated to be as "general" as the right hon. gentleman supposes. I doubt whether even the patriotic lottery-man from whom the right hon. gent. has borrowed his third Resolution, would make such a sacrifice as this to the laws of his country. I doubt whether the right hon. gent. himself does not stand the single instance of such striking self devotion: and would again submit to him, therefore, whether his third Resolution, instead of affirming any thing about the public, ought not to run singly in his own name.

But after all, is the right hon. gent. sure that he is prepared to define exactly, at this moment, the legality or illegality of interchanging guineas and Bank notes, at any other than the nominal current value? What cognizance does the law take of the rate at which Bank notes shall pass? Is there any law which touches this matter? If any body had such a fancy for Bank notes, and differed so entirely from the Bullion Committee, and from the right hon. gent., as to think them not only not depreciated in respect to coin, but as worth being bought up in coin at a premium; is there any law which would prevent him from gratifying his taste in this particular? If for more, might he not also buy them for less than their nominal value? If there any law to prevent that? The man who has been convicted and is now expecting judgment for buying guineas at a premium, might he not justly aver that he had only sold Bank notes at a loss? Is there any law which forbids that? The right hon. gent. may tell me, that this question is at this very moment before the judges of the land, by whose determination the conviction to which I have referred, will be either confirmed or reversed. And so I tell the right hon. gent.; and from that very circumstance, from the law on that subject being in a state of such uncertainty as to require a reference to the judges, it is in my opinion unseemly, and must be most unsatisfactory, for the House of Commons to assume the law to be such as the right hon. gentleman's Resolution declares it.

But, supposing the declaration of the law by the right hon. gentleman's Resolutions to be correct, still how does it bear out his assertions as to "public estimation?" Does he not know; is it not notorious—has it not been admitted in the course of this debate, that in one part of the United Kingdom at least, in Ireland, so far are bank notes from being "equivalent to the legal coin in the public estimation," that a premium is openly given for guineas? Does the right hon. gent. forget, that the House of Commons, to which he proposes his Resolution, is the House of Commons of Ireland, as well as of Great Britain? And can he conceive a proceeding more likely to bring that House of Commons into contempt with the people of Ireland, than that, with the perfect knowledge which we have that they are every day exchanging bank notes against guineas at a discount, we should come to a Resolution that, not in our estimation but in theirs, bank notes and guineas are equivalent?

When Buonaparté, not long ago, was desirous of reconciling the nations under his dominion to the privations resulting from the exclusion of all colonial produce, he published an edict, which commenced in something like the following manner:—"Whereas sugar made from beet-root or the maple-tree is infinitely preferable to that of the sugar-cane..." and then proceeded to denounce penalties against those who should persist in the use of the inferior commodity. The denunciation might be more effectual than the right hon. gentleman's Resolution: but the preamble did not go near so far; for though it asserted the superiority of the maple and beet-root sugar, it rested that assertion merely on the authority of the state, and did not pretend to sanction it by "public estimation."

When Galileo first promulgated the doctrine that the earth turned round the sun, and that the sun remained stationary in the centre of the universe, the holy fathers of the Inquisition took alarm at so daring an innovation, and forthwith declared the first of these propositions to be false and heretical, and the other to be erroneous in point of faith. The holy office "pledged itself to believe"—That the earth was stationary and the sun moveable. This pledge had little effect in changing the natural course of things: the sun and the earth continued, in spite of it, to preserve their accustomed relations to each other, just as the coin and the bank note will in spite of the right hon. gentleman's Resolution.

The reverend fathers, indeed, had the advantage of being enabled to call in the aid of the secular arm, to enforce the acceptance of their doctrines. I confess, I am not wholly without apprehension, that some of the zealous advocates for the right hon. gentleman's doctrine may have it in contemplation to employ similar means of proselytism. There is something ominous in that mixture of law and opinion, which pervades the right hon. gentleman's Resolution. The business of law is with conduct; but when it is put forward to influence opinion, pains and penalties are seldom far behind. I like but little the period of our history, to which my hon. and learned friend the Attorney General, was obliged to go back to find a penal statute for settling opinions upon the value of money; that statute upon which the late convictions have taken place, and upon the applicability of which to the present times the judges are now deliberating. This statute was passed at a period when our coin had been debased, in the course of three years, considerably upwards of 200*l.* per cent.; and when the total debasement, as compared with the original standard, was not less than 355 per cent. The consequence of this debasement, as stated by lord Liverpool, was, that merchants and tradesmen increased the price of every article which they had to sell; to counteract this effect, government tried every method to keep up the value of the debased coins: prices were set on all the necessary articles of consumption; laws were passed for regulating the manner of buying and selling; the law against regraters, forestallers, and engrossers, since repealed, was passed on that occasion. Amongst those admirable and judicious efforts of wholesome and enlightened legislation, was enacted the law, for inflicting penalties on those who should "exchange any coined gold or coined silver at a greater value than the same was or should be declared, by his Majesty's proclamation, to be current for within his dominions."

Such is the law which, according to the right honourable gentleman, secures the equivalency of the different sorts of our currency—Such is the shelf from which that law has been taken down and brought into use on the present auspicious occasion;—a law passed at a time which the late lord Liverpool forcibly describes as a "period of convulsion in our monetary system," and in company with laws which have since been repealed as a disgrace to the statute book. Faulty, however, as our legislation appears to have been at the period to which we are referring, it at least did not fall into the absurdity of declaring such laws to be the opinions of the people. If the right honourable gentleman is determined to force opinions to conform to his law, he must come down a few years later in our history. He must pass from the reign of Edward the 6th, to that of queen Mary, to find the most approved method of applying the operation of law to the reformation of speculative opinions.

Even in times, however, of such ignorance and such licentious theory in respect to the value of money, there were not wanting in one part of this island, shrewder spirits, who saw the errors into which the English government were running, and determined to guard against their effects at least upon themselves. In the year 1529, it is related, in a note to lord Liverpool's Treatise: "Gavin Dunbar, bishop of Aberdeen, in a contract with William Sutherland, of Duffus, stipulated that, "if it should happen that the money of Scotland, or of any other kingdom which passes in Scotland, be raised to a higher price than it is now taken in payment for, whereby the reverend father, his heirs or assigns, be made poorer or in a worse condition, he the said William Sutherland should pay to the possessors, (whoever they may be), of the annual rent reserved therein, for every mark of 32 pennies, one ounce of pure silver of a certain fineness, or else its true value in the usual money of the kingdom of Scotland." This contract took place about twenty years before the statute of Edward 6. If that statute shall be revived and acted upon, and if the doctrine of the right hon. gentleman's Resolutions shall be sanctioned by parliament, it requires no great stretch of apprehension to foresee that men will ere long endeavour to guard themselves against the effects of such a system by resorting to contracts of a similar nature.

I have now done with the right hon. gentleman's third Resolution; I will only again say, that if any man had mentioned it to me out of this House, as a proposition which the right hon. gentleman intended to offer for our acceptance, I should have utterly disbelieved him: I should have considered such a rumour as a mere device on the part of his opponents, to place in the strongest light imaginable the absurdity to which, if pushed to all their consequences, the right hon. gentleman's arguments were capable of going.

Passing over the statistical Resolutions from the fourth to the fourteenth inclusive, I come now to the fifteenth, which contains the right hon. gentleman's doctrine of Exchanges.

This Resolution partakes, in a very striking degree, of the faults which I had occasion to remark upon in the first of the series to which it belongs. From the vague and imperfect manner in which it is expressed, the proposition intended to be conveyed by it, is rather insinuated than affirmed. The right hon. gentleman does not distinctly deny that the state of our currency has any influence on the foreign exchanges, or on the price of bullion: at the same time, he certainly does not admit that it has any such influence. He only asserts that there are other causes "sufficient to account for the unfavourable state of the exchange, and the high price of bullion, without any change in" (what he calls) "the internal value of our currency."

Now it cannot escape so accurate an understanding as that of the right hon. gentleman, that this mode of stating his argument, is not an answer to the main points in dispute, but an evasion of them. —The Bullion Report asserts, that our paper currency is depreciated, and that the depreciation of our currency has raised the price of gold, and turned and kept the foreign exchanges against us. The right honourable gentleman replies—not by denying both these assertions; but by affirming, with respect to the latter, that the imputed consequences may have been produced by other causes, without the existence of the cause specifically assigned for them.

We know, indeed, from the preceding part of the right hon. gentleman's argument, that he does deny the depreciation of our currency—So far he is perfectly intelligible. But, as to the second proposition, "that the depreciated currency has occasioned the rise in the price of bullion and the unfavourableness of the foreign exchanges," are we to understand him as saying, that a depreciated currency would not have those effects? or only, that as our currency is not depreciated, such effects cannot in this instance be attributable to that cause?

If he admits that such would be the natural effects of a depreciated currency, admitting at the same time (as he does) that such effects do exist, the whole of his argument is destroyed by his own admissions. The utmost advantage that he could then derive even from the undisputed admission of all the facts enumerated in his statistical Resolutions—of his prices of stocks, and prices of corn, his exports and imports, and revenue and expenditure—would be to show, that there are other causes which may enter for something into the degree of the rise in the price of bullion, and into the degree of the unfavourableness of the exchange: —Which nobody denies.

But to acknowledge the tendency of a depreciated currency to produce certain effects,—to acknowledge these effects to have been produced to an extent, and to have continued for a length of time, unexampled in the history of the country,—and then to expect that upon the mere dictum of the right honourable gentleman, his adversaries in the argument shall consent to ascribe those effects wholly to other causes, of which they deny the sufficiency, altogether excluding the operation of that one, the efficacy of which he himself admits, is to reckon upon a degree of ductility in those with whom he argues, which even the right honourable gentleman's authority is not entitled to command.

On the other hand, does the right hon. gentleman contend, that the depreciation of our currency, even if it existed, would not affect the exchange? To argue that it would not affect the price of bullion in that currency, is certainly more than he can venture. But it has been contended by others who take the same side with him, that depreciation "of internal value" in the currency of a country has no tendency to alter the foreign exchange. Is this the right honourable gentleman's meaning?

By "internal value," I now understand the right hon. gent. to signify not "intrinsic value," as I was at first inclined to suppose, but value in internal or domestic currency, as opposed to value abroad. The proposition then of those who push the right hon. gentleman's argument to its extent, is, that the currency of a country may be depreciated to an indefinite degree, and yet, if the inhabitants of that country continue, no matter whether voluntarily or by legal compulsion, to receive that depreciated currency at its full nominal value, the foreigner has no business with it, and the foreign exchange would not exhibit any symptom of being affected by it. The very definition of exchange, about which I apprehend there is no dispute, is of itself sufficient to confute this doctrine. The par of exchange between any two countries, being an equal quantity of precious metal in the respective currencies of those countries; how is it possible, that if by any process the currency of one of those countries shall cease to contain or to represent that quantity of precious metal which it did represent or contain when the par of exchange with the other country was assigned—the currency of that other country remaining precisely the same—there should not take place a proportionate variation in the rate of the exchange? To say that the rate of exchange will continue unaltered, when one of the currencies between which the comparison is made has lost part of its value, is to say, in other words, that an equation is not destroyed by a change in the value of one of its terms.

We should be sufficiently alive to the fallacy of such a doctrine, if applied to the currency of other countries.—In the edict lately published in Austria, which has been referred to more than once in the course of these debates; while a gradual depreciation, amounting in the end to no less than 400 per cent. is acknowledged, and the paper directed to be current henceforth at 400 per cent. below its nominal value; sundry excellent reasons are given why in Austria, in the particular circumstances of that country, this depreciation ought to occasion no manner of alarm—and especially why foreigners ought not to consider it as vitiating or confounding the transactions of exchange. The foreign creditors of Austria, however, probably entertain a very different opinion: and it is a curious fact, which has been vouched to me on what I believe to be unquestionable authority, that even before the Austrian paper money was depreciated to the present extravagant degree, the monied men on the continent who were engaged in loans to the emperor, were in the habit of stipulating that those loans, if repaid any where else than at Hamburgh or at Amsterdam, should be repaid, not in the currency of Austria, or of any other country, according to its denomination, but in specific quantities of gold or silver. And why this exception in favour of Hamburgh and Amsterdam? For a reason which at once explains the nature of exchange, and the true principles of value in money, namely, that at the Banks of Hamburgh and Amsterdam, all payments are made, not in reference to coins of any country or any denomination, but by the transfer from the debtor to the creditor of a specific quantity of bullion.

Can we really flatter ourselves, then, that the currency of this kingdom might be depreciated with impunity so far as relates to transactions with foreign countries? If a bill upon England for 46*l.* 14*s.* 6*d.* would heretofore have purchased, on the exchange of Hamburgh or Amsterdam, a credit on those banks for a lb. of gold bullion, and if a lb. of gold bullion cannot now be purchased in England for less than 58*l.* in English currency—can we imagine, that nevertheless, the bill upon England for 46*l.* 14*s.* 6*d.* will still purchase a lb. of gold at Hamburgh or Amsterdam? Yet this is, in fact, the proposition of those who contend that an alteration in the value of the internal currency of a country does not proportionably affect the foreign exchange.

But whilst this is the argument of many who have taken part in the debate—whilst it is covertly, though not avowedly, the argument of the right hon. gentleman's 15th Resolution—it is not the argument of my right hon. friend the Chancellor of the Exchequer, who has admitted the influence of the internal currency of a country upon its foreign exchanges, by admitting that a diminution in the quantity of our paper would tend to turn the exchanges in our favour. Does the right hon. gent. agree in this admission, or differ from it? If he differs, I refer him for conviction to my right hon. friend: if he agrees, there is no escape from the conclusion to which this admission leads—that the unfavourableness of the exchange, which would be in part at least cured by a diminution in the amount, and consequent rise in the value, of our paper currency, is in part, at least, occasioned by the excess and consequent depreciation of it.

What then becomes of the assertion in the right hon. gentleman's 15th Resolution, whichever sense we assign to it? If it is meant to deny the connexion of internal currency with foreign exchange, can the House consent to adopt a vote so directly at variance with the fact?—If, admitting that connexion, it is meant only to deny its effect now—why, I should be glad to know; is the present time to afford an exception to an universal rule? What is there now to suspend the operation of principles, not dependent upon circumstances, but inherent in the nature of things? There is a great stagnation of commerce, it is true: but that stagnation of commerce is not peculiar to this country. The continent shares largely in all the distress which the decrees of the tyrant of the continent produce; and yet it is in comparison with the continent that the exchanges are in our disfavour. True, we are carrying on an expensive and extended war: but the exchanges have been permanently against us in peace as well as in war, when the same cause, a depreciated currency, has operated to produce that effect. In 1696, a period of war, the deterioration of our silver, then our standard coin—in 1773, a time of peace, the deterioration of our gold coin—were indicated alike by the long-continued unfavourableness of the foreign exchanges. In both instances the reformation of the coin remedied the evil. What the deterioration of coin occasioned in those instances, the depreciation of paper has occasioned now. The coin had then ceased to contain, as the paper has now ceased to represent, the quantity of precious metal implied by its denomination. Foreign countries estimated the coin then as they do the paper now, not by what it was called, but by what it would exchange for in those commodities,—gold and silver,—which are, by the consent and practice of mankind, the common measures of all marketable value.

However gentlemen may endeavour to disguise and perplex this simple view of the question, it is, after all, that by which it must be decided. If this be not the test, there is no other. If gold and silver have ceased to be the common measures of the value of other commodities, and weight and fineness combined have ceased to be the standard of value in gold and silver, there is no more to be said: but in that case, instead of these Resolutions, let the right hon. gent. come forward boldly at once with an assertion, not merely that paper is equivalent to the precious metals, but that it has altogether superseded them.

If on the other hand the same standard of value remains, let not the right hon. gent. attempt to draw a veil over it. In all our departures from it, let us fairly own that we are departing from it,—by necessity if you please; but with a resolution of returning to it again. Let us not, like men who, when hurried down a rapid stream, fancy that the shores are flying from them—

> "terræque urbesque recedunt,"

let us not conceive that, by some strange revolution in the physical world, the precious metals are retreating beyond our reach; when it is in fact only by a rapid depreciation that our currency is leaving them behind. Neither let us suppose that we have already gone down so far, that to re-ascend the stream is impossible—that,

> "Should we wade no more,
> Returning were as tedious as go o'er."

A very little firmness, a very little sacrifice, might at present enable us to retrace our course. The half of the ingenuity which is employed in the right hon. gentleman's Resolutions to gloss over our situation, might suffice to find a remedy for it.

It is asked—shall we attempt this in time of war? Can we attempt it without abandoning our present military system, with all its hopes, and all its glories?—Undoubtedly, I think, we can. I never can believe, of this mighty empire, that it has not sufficient energy in itself at once to right whatever may be amiss in its own internal situation, and to maintain its accustomed place and movement in the system of the world.

But, it is said, we are only going on in the course in which greater authorities have led the way; Mr. Pitt had made up his mind to this depreciation of our currency. 'He contrived it,' says one hon. gent. 'He could not avoid foreseeing it,' says my right hon. friend the Chancellor of the Exchequer.

First, the inconveniencies which now result from that depreciation, and which constitute the proof of it, were not felt in Mr. Pitt's time. Neither could they possibly be foreseen by Mr. Pitt, if they in fact arise only from the causes to which my right hon. friend and the right hon. gent.'s fifteenth Resolution ascribe them: Mr. Pitt certainly could not foresee the Berlin and Milan decrees. The war, indeed, raged in his life-time with not less violence than since: but yet in the very hottest and most disastrous part of the war, at the moment of the greatest public alarm and calamity, the exchanges were in our favour: and the price of gold did not materially rise. He therefore did not witness any of those symptoms, which have awakened anxiety and led to investigation on the present occasion.

Further we have the testimony of my hon. friend opposite to me (Mr. Wilberforce), that in the year 1802, when the probable tendency of unredeemable Bank paper to excessive issue and consequent depreciation became a subject of alarm to some men of great ability in financial matters—we have, I say, that most satisfactory testimony, that Mr. Pitt at that time professed his entire agreement in the principles laid down in a very able publication of the hon. gent. who preceded me in this night's debate, which I presume every man who has attended to this question has read. And what are those principles?—Why, these—

'It is the maintainance of our general exchanges,' says (Mr. Thornton), "or in other words, it is the agreement of the Mint price with the bullion price of gold, which seems to be the true proof that the circulating paper is not depreciated."

If these are the principles which Mr. Pitt sanctioned, what pretence is there for saying that he foresaw the present state of things? or that, if he had lived to see it, he would now have asserted our circulating paper to be in an undepreciated state? Are our "general exchanges" now "maintained?" "Does the bullion price of gold" now "agree with the Mint price?" Are not, on the contrary, the unfavourable exchanges, and high price of bullion, the very particulars which are cited as affording the most irrefragable proof of a depreciation? If the absence of these criteria at that time was conclusive one way, must not the presence of them be now admitted to be conclusive the other? If Mr. Pitt was then satisfied that all was right because these symptoms had not appeared, is it fair to infer, that he would have been equally satisfied now, when they are seen in so aggravated a degree? Is not the fair inference directly the contrary?

Nor is it an unimportant evidence of Mr. Pitt's general view of this subject, that the letter of lord Liverpool to the King was the result of an investigation commenced in Mr. Pitt's first administration in 1798, and concluded in the year 1805, when he was again minister of the country. In that letter not only are all the principles of our money system distinctly and ably expounded, according to the authority and the practice of the best times; but with respect to the system of our paper currency, the danger of its being carried to excess, and the necessity of a parliamentary revision of it, are stated in a manner which shows with how much attention, in the opinion of the government of those days, that system required to be watched.

But if Mr. Pitt had happily been still alive, what remedy would he have applied to this evil? Far be it from me to presume on this or on any other occasion to usurp the authority of his name, or to employ it for any purpose, which is not warranted by his recorded opinions. But that he would have applied some remedy, —that he would not have been contented to let the evil take its course, if there were in human wisdom the means of checking it;—that he would not have sought to reconcile delusion with credit;—and to palliate a departure from principles by a denial of the principles themselves:—every man who remembers his characteristic firmness, who recollects the difficulties which he had to combat, and the manner in which he combated and overcame them, will, I think, be ready to acknowledge.

If I am asked what remedy I would myself apply, I again say, as I have said before, that it must rest with the executive government to propose, as they alone can advantageously carry into effect, any measure of practical benefit. But I have no difficulty in offering one suggestion, which has indeed been in some degree anticipated in the course of these debates. The Bank proprietors have made great and unusual gains under the operation of the Bank restriction. I say this without the smallest intention of laying blame upon the Bank, or of exciting any invidious feeling towards them. The directors of that institution, I again repeat, have, so far as I can judge, acted for the best in the discharge of a new and most difficult duty. But the fact I believe will not be disputed. Great gains have been made in consequence of the Bank restriction. The issues of Bank paper, whether too large or not in another view, have undeniably been much larger than they could have been, had the obligation to pay in cash upon demand continued, or been renewed.—These gains certainly formed no part of the inducement to lay on or to renew the Bank restriction. They form no ground to continue it. But it is obvious,—it is in the principles of human nature—that they must form a temptation to the Bank proprietors to wish for its continuance. It is obvious also, that if the issues are inordinately extended, the difficulty of resuming cash payments must be proportionably augmented. And it is still more obvious, that whether those motives and those causes do in fact so operate or no, from the natural invidiousness attendant on great gains, the world in general will be apt to suspect and impute their operation.

Now the public has no right to complain that the Bank Restriction, though not laid or continued in contemplation of advantage to the Bank proprietors, has incidentally been productive of such advantage: but they have a right to expect that no impediment shall on that ground be thrown in the way of the removal of the Restriction. A continued increase of profit, and a continued raising of the dividends to the Bank proprietors, if it had not that effect, would have that appearance. The dividend is now, I believe, 10 per cent. There surely it might stop. All surplus profit beyond that amount, during the continuance of the Restriction, might be strictly appropriated as a fund for the purchase of bullion, at whatever price.

It is not in my contemplation that the public (as has been suggested in several quarters since this question has been in discussion) should enter into any share of the extraordinary profits, or meddle in any degree in the management of the Bank. No such thing. Let those extraordinary profits remain in full, undisputed and unenvied property to the Bank. But as they are created by the suspension of cash payments, let the public have the assurance that they are so employed by the Bank, as to ensure their ability to resume those payments, without convulsion or distress, at the period which the legislature has fixed for the resumption of them.

This, I think, is a suggestion, the adoption of which would be no less creditable to the Bank than satisfactory to the public.

For this or any other measure calculated to remedy the evils acknowledged to exist, we can, after the decision to which this House has already come, rely only on the effect which may be produced by our discussions upon the advised discretion of the Bank, and upon the awakened attention of the public.

But at least, if we will do no good, let us, in the name of common sense, not do any harm. If we will not set right the course of the vessel, let us at least not destroy the chart and compass by which it may steer.

Let us leave the evil, if it must be so, to the chance of a gradual and noiseless correction. But let us not resolve as law, what is an incorrect and imperfect exposition of the law. Let us not resolve as fact, what is contradictory to universal experience. Let us not expose ourselves to ridicule by resolving as the opinions of the people, opinions which the people do not, and which it is impossible they should, entertain. This is not the way to settle the public feeling, and to set the subject at rest. It is the way to ensure renewed and interminable discussions. That we may at least not incur this unnecessary mischief, by adopting the Resolutions now before us, I move, Sir, that you do now leave the chair.

The *Chancellor of the Exchequer* regretted, that he was again under the necessity of trespassing upon the time of the Committee upon this subject, but there were some points in the speech of his right hon. friend which he could not avoid noticing. His right hon. friend seemed to think that he (the Chancellor of the Exchequer) ought to retract the admission he had made on a former night, namely, that the diminution of the quantity of paper might diminish the balance of exchange against us, because it made against his general argument. The admission which he had made, however, he was not disposed to retract, because it did not appear to him to clash in the slightest degree with the principles which he maintained. The diminution of paper in circulation would make a favourable alteration in the exchange, but then it would be necessary to discontinue the exertions we were making abroad, and to abandon our allies: but this would not be the only inconvenience which would result, because the same operation would affect our commerce, our agriculture, and all those sources of wealth by which we had been so long able to maintain this contest. It appeared to him, therefore, that the question for the Committee to decide was, whether it would be a wise policy to discontinue those exertions which we were making upon the Continent, and injure our agriculture and commerce, which we must do if we diminished the quantity of paper in circulation for the purpose of making an alteration in the course of exchange.—He would not repeat all the arguments which he had before used, to shew that what gentlemen termed the depreciation of paper, did not arise from an over-issue of it, but from other causes: but he was convinced that the more gentlemen investigated the subject, the more they would be convinced of that fact. It had been asked, whether it was prudent and safe to continue the present system, and to suffer gold to go out of the country? In answer to this question, he begged, in the first place, to observe, that we sent gold abroad for articles that were necessary, not because we preferred sending gold, but because, in the present state of the world, we could send nothing else. Most undoubtedly it would be more for our interest to purchase what we wanted abroad with other articles, rather than gold, and those with whom we were dealing would prefer those articles to gold; but in the present unprecedented state of things, we had no alternative. But with respect to the question which had been proposed, he could only say, that those who thought as he did, that our military operations, which we were carrying on abroad, were more important and more beneficial to the country than the retention of its gold; those who thought it, as he did, more important that corn should be imported, and that the people should not starve, than that we should keep our gold, which we could not eat, would find very little difficulty in answering, that it was better, infinitely better, to persevere in our present course, than to incur the inevitable consequences of the measures recommended by the gentlemen on the other side.—It had been laid down as a principle, that if there were two species of currency in a country, and that the one was depreciated, the one that was depreciated would soon drive the other out; but however plausible that proposition appeared in theory, it was not true in fact. At the period which had been so often alluded to, when our silver was so very much depreciated, how did it happen that we retained our gold? If the principle laid down was correct, our gold must have all disappeared. It had been said that the exchange could never fairly be more against a country than the sum that it would cost to transport goods to the country with which it was dealing. This proposition, in the ordinary state of the world, and when commerce was uninterrupted, might be true; but was it possible to apply general principles, made for ordinary occasions, to such times as the present? If bullion was to be found in a particular part of the world, and it was absolutely necessary that we should obtain it, why, we must of course pay what might be called usurious interest for it. With respect to corn, it was the same if France had corn and we wanted it, and France would not permit us to purchase it with any other article but bullion: was it not obvious that the bullion must be sent, and the price paid, however exorbitant? Suppose corn could be imported for 40 per cent. profit, and a man was obliged to give 30 per cent. for gold, would he not naturally buy the gold at that price, because he would gain ten per cent. by the transaction. The same argument applied to the case of the army in Portugal. If the commissary, acting under the orders of the commander in chief, found that there was a deficiency of money, and yet knew that it could be procured in the country, was it to be supposed that he would not, in order to procure it, pay a greater premium for it than the transit of the sum wanted would cost from England to Portugal? undoubtedly he would. It was therefore absurd to apply general principles, applicable only to commerce in its ordinary state, to the unprecedented situation of affairs at present. He wished particularly to press this part of the subject upon his right hon. friend (Mr. Canning) and begged him to consider what must be the consequence if in such a state of affairs our internal circulation was stopped; what must be the inevitable effect upon our trade, manufactures, agriculture, and all the sources of our internal wealth. Would his right hon. friend, thinking as he did of the importance of our exertions in Portugal, discontinue those exertions, unless gold could be procured in Portugal at no greater premium than what it would cost to send it from this country to Portugal? Those indeed, who disapproved of the efforts that we were making abroad, and thought that peace ought to be obtained at any price, might not concur with him in his argument; but knowing the opinion entertained by his right hon. friend, of the importance of our foreign exertions, he was really unable to account for the sentiments he had delivered upon this question. He entreated his right hon. friend to consider what must have been the consequence if the original proposition had been agreed to. His right hon. friend had not, indeed, concurred in the opinion that the Bank ought to be compelled to resume its cash payments in two years, though, in point of consistency, he ought to have adopted that part of the Resolution, upon the same principle that he adopted the others. His right hon. friend, however, seemed delighted when the Resolution for compelling the Bank to resume its cash payments was negatived; he seemed to have got rid of a burthen which had encumbered him; and it was natural that he should; because however he might be misled by the general abstract principles, which were not applicable to times like the present, it was impossible that he could shut his eyes to the fatal consequences that must have resulted from the adoption of such a measure.—The right hon. gentleman then adverted to the subject of exchange, and said, that the exchange between this country and Madras and Calcutta was in our favour, and had been for a long time improving. Now, if the principle of the gentlemen on the other side was a correct one, it would apply generally. If it was true, that the excess of our paper currency had turned the balance of exchange against us, why did not that excess produce the same effect at Calcutta, as it was contended it had done at Hamburgh. The answer was plain; the exchange with Calcutta was in our favour, because Buonaparté's restrictions could not there impede our trade; and the result would be the same wherever commerce was unshackled. It was therefore obvious, that the unfavourable course of exchange arose from the impediments which Buonaparté had thrown in the way of trade, and not from an over issue of Bank paper, as had been contended by the gentlemen on the other side.—He begged here to repeat an observation which he had made on a former night, because gentlemen had persisted in the same line of argument. They had, in order to prove that paper was depreciated, compared it with bullion, instead of comparing it with coin. It was obvious, that there was a difference in value between gold in coin and gold in bullion, because the latter could be exported, and the former legally could not. The bullion for that purpose, was of course more valuable. It was not therefore fair to compare paper with bullion; but compared with coin, he contended it was not in any degree depreciated. As to the security of Bank notes, he should contend that, when the Exchequer received in payment every quarter almost as many Bank notes as were in currency, that this alone afforded a very considerable security, and was likely to preserve their value, and their credit in circulation. The simple proposition was, that notes were to all intents and purposes as good as cash for internal payments. So he apprehended it was, in spite of some extraordinary cases, and so he apprehended it would be. There had been only one case where coin had been demanded by a creditor, and pronounced to be the only legal tender; and did not this prove, that in the common transactions of life, Bank notes were held to all intents and purposes equivalent to coin?—Upon the whole, the present times were totally different from all former precedent, both in respect of our foreign expenditure, and the state of commerce. If the mound erected by the enemy against our continental trade were once removed, this country was full of all those commodities which would speedily restore the exchanges. Undoubtedly, the expenditure of a war of 20 years had greatly increased the circulating medium, the value of which was of course diminished in the same way as would be effected by a great influx of the precious metals. But this operation had taken place gradually, and therefore, so far, injustice to creditors had neither been intended nor produced. With these views, he had no difficulty in concurring with the Resolutions of his right hon. friend.

Mr. *Morris* opposed the Resolutions.

Mr *Tierney* begged to know whether it was the intention of the right hon. the Chancellor of the Exchequer to have the Report brought up immediately, as he had an Amendment to propose?

The *Chancellor of the Exchequer* said, he would prefer bringing it up to morrow.

Mr. *Tierney* then gave notice, that he would move an Amendment to the first Resolution, if that of the hon. gent. (Mr. Canning) was rejected, the object of which would be to do away all the Resolutions.

The House then divided on Mr. Canning's Amendment, when there appeared

For the Amendment..................42
Against it..............................82
Majority against it...........—40

Mr. Vansittart's Resolutions were then agreed to *pro forma*, with an understanding that they should be discussed upon the Report, and at three o'clock on Tuesday morning the House adjourned.

HOUSE OF COMMONS.

Tuesday, May 14.

BOARD OF CONTROUL SALARIES BILL.] Mr. *R. Dundas* rose, agreeably to notice, to move for leave to bring in a Bill connected with the Salaries of the Board of Controul and other Officers and Clerks in this department of the East India Company's affairs. From the papers already before the House, they would see that the sum appointed for the salaries of the Commissioners of the Board of Controul, at the original establishment of that Board was 5,000*l.* a year, and the sum for the salaries of the clerks was limited to 11,000*l.* a year. If these sums were esteemed no more than adequate compensations in 1793, the House would readily believe that they were by no means adequate at the present period. The 11,000*l.* to the clerks was at first more than sufficient, and a balance arising on this head had accumulated for some years. This sum so accumulated, however, was exhausted, and unless an augmentation was immediately given, the number of clerks now employed must be reduced. This was a thing by no means desirable, and he intended to propose an increase of 1,400*l.* or 1,500*l.* a year on this head, which, with the sum formerly allowed to accumulate, would amount to about 3,000*l.* a year. There was one increase to which he, with reluctance, called the attention of the House, being a proposed increase to the salary of the office which he himself held. It was for the House to determine on this point. He should not have brought it before them, had he not been compelled to bring forward the claims of others which were far more urgent than this claim of increase to the salary of the President of the Board was. There was another thing to which he meant this Bill to extend, namely, to allow the company, with the advice of the Board of Controul, the power of replacing officers who might be dismissed by sentence of court martial, there being a doubt whether the prohibition at present in force was confined to civil offences, or extended to sentences of courts martial also. The only other point to which the Bill was meant to go, was to give the Company the power of taking up ships by private contract in case of emergency only, and that for a single voyage. He concluded by moving, "That leave be given to bring in a Bill for making further provision for the payment of salaries and other charges in the office of the Commissioners for the affairs of India, and for enabling the East India Company to restore to the service of the said company military officers removed therefrom by sentences of courts martial, and to authorize the said company, in cases of unforeseen emergency, to take up ships by private contract."

Mr. *Creevey* highly approved of an increase being made to the salary of the president of the board of controul. He did the whole of the business. During the fourteen months that he was connected with that Board, he never heard that they had once met. If the president had 4,000*l.* out of the 5,000*l.* or even the whole sum, he though it would not be too much.

After a few words from lord Morpeth and lord Castlereagh, leave was given to bring in the Bill.

BRITISH AND IRISH MILITIAS INTERCHANGE BILL.] Mr. Secretary *Ryder* rose to move for leave to bring in a Bill to permit the interchange of the British and Irish Militia respectively. He was convinced that gentlemen would be surprised that a measure like the present had been so long delayed, rather than that it was now proposed. This, he presumed, the House would feel, on the principle that when the two countries were indissolubly united together, it ought to follow that what was the interest and duty of the one, should be so of both. At the same time, the House would not forget, that the power of France had not, till lately, made those gigantic strides towards universal dominion which now marked her course, and rendered less probable a permanent and lasting peace. Whatever opinion gentlemen might entertain as to the mode of proceeding to be adopted by us, and however much they might disapprove of our continental efforts to check the enemy, still there could be but one opinion, as to the necessity of united efforts at home; and this could never be fully attained while our militias were confined to one country. He knew he might be told that they had formerly volunteered an interchange of their services, and that they would be ready to do so again. But this did not apply, and it was to be hoped that no such event as that would again occur. The proposition he had to make did not need instances to illustrate it. But he might refer to the campaign in Portugal of this year, where nothing was now left to be done, but as to which all our fears, anxieties, and expectations were now converted into joy and exultation; and he might ask gentlemen if, when they were anxiously waiting to hear of reinforcements reaching our brave countrymen, from Sicily and from Halifax, they would not have supplied them with pleasure, by dispatching to the relief of our countrymen those valuable troops in Ireland, whom, if the present measure had then operated, we might have spared from that country. If so, who would say that we should not now resort to such a measure?

He should not discharge his duty, however, if he confined his view of the present measure merely to a consideration of its military advantages. We should not, even in a military point of view, have done all we were called on to do, if we did not do this. But the moral and political effects to be expected from it were infinitely greater than its military advantages. No man could be blind to the advantages of this plan. No man could talk on such a subject as a true Englishman, without feeling as an Irishman; nor as a true Irishman without feeling as an Englishman. This measure would do away the ignorance under which each nation laboured as to the character of the other. New connections, friendships, and distances would be formed, not confined to one class or degree, but extending generally through both nations. The advantages thus to arise were not to be expected, but were certain. He should feel entirely happy on the subject, were it not that he feared the opposition of a certain class of gentlemen connected with the militia service. No man was more ready to confess the services of this class of gentlemen than he was. When they came, however, to weigh the advantages of the present measure, and to perceive that they were not now called on to make sacrifices equal to those they had formerly made, he hoped they would not oppose what he had now to suggest. If the militia were by this measure to be removed at a greater distance from home than usual, this, he admitted, would be subject deserving of consideration. The fact was, however, that in many cases in England, and almost universally in Scotland, they were sent to a greater distance from home at present than if they were sent to Ireland.—He did not wish that the English militia should be sent to Ireland, and the Irish to England, for an indefinite period. The plan he proposed was, that not more than one-third of either militia should be sent from one country to the other at one time. That the English militia should not continue in Ireland more than two years, nor the Irish in England more than three years at one time; that they should not afterwards be sent but in rotation; and that in no event should either be sent to the other country, but by an order from his Majesty. He also proposed that they should have the power of volunteering, and that the Commanders should inform each regiment that their services were purely voluntary. This was the outline of his Bill; and the effect of it would be, that supposing the measure immediately to have operation, in the course of eight years the whole of the English militia will have served in Ireland. He concluded by moving for leave to bring in a Bill to the above effect.

Mr. *Tighe* asked, whether the Roman Catholic officer and soldier were to be allowed the free exercise of their religion when in England? This ought to be attended to. If the ministers thought the Irish militia would be so useful in defending the country, they ought to adopt the measures which would remove all impediments to such a desirable object. They ought to put an end to all religious distinctions, and then they would have the whole army disposable for those speculations and objects which the Secretary of State had mentioned.

Mr. *Wynn* did not mean to object to the bringing in of the bill, though he saw some difficulties that must attend the adoption of the measure. It ought to have been carried into effect at the time of the Union, or shortly after, when there was an interval of peace. The officers, who might be averse to this plan, might then have retired, without being subject to any reflection upon their conduct. At present, many of them might, by the operation of this bill, be put to very great inconvenience. As a proof that there might be some objection to it, he reminded the right hon. secretary that such a measure had been in contemplation in 1804, but had been abandoned, probably on account of the resolutions passed at meetings of lord lieutenants of counties disapproving of it. He allowed that this would increase the disposable force, but so would the sending the militia abroad. This was very different from the volunteering into the line, for there the soldier left his officers, and when the fixed period ended, the matter was at rest. He further observed, that this might have a very injurious effect on the volunteering from the militia, as the soldier must be almost certain of being sent abroad as soon as he volunteered. It would also prove a material obstacle to the procuring of men for the militia during the winter.

Lord *Castlereagh* said, that there never had been a negative on the interchange of services. In 1804, the object was to accept the voluntary offers of 10,000 of the Irish militia to serve in England, to replace that number which had volunteered from the English militia into the line. That there were difficulties in the way of the execution of this measure, he admitted; but it generally happened that the difficulties of a plan were in proportion to its utility. The difficulties, however, were not insuperable. He was satisfied that there would be a very general disposition in the militia officers to extend the benefit of their services.

Col. *Bagwell* said, that some from habit might be averse to the interchange; but the measure ought not to be given up on that account, considering its extensive utility. He was persuaded there would be a general desire to extend their services, if the measure appeared to be a beneficial one. The officers got their commissions without purchase, and might relinquish them without loss.

Mr. *Herbert* of Kerry strongly approved of the measure.

Sir *John Cox Hippesley* stated, that though general orders had been issued not to restrict the Catholic soldiers in the exercise of their religion, they were but partially attended. Even when the Catholic soldiers were permitted to attend their chapels, they were often marched afterwards to a church of the establishment, which, by the canons of their own church, subjects them to excommunication. The observation of his hon. friend (Mr. Tighe) therefore, required some notice. He also stated the fact, that out of 3,000 recruits sent to the depot at the Isle of Wight, only 160 belonged to the established church. Most of the rest, he presumed were Catholics.

The *Chancellor of the Exchequer* said, that the militia of Ireland though in this country, would still be the Irish militia, and would, therefore, by law be entitled to the exemptions and privileges which they had in Ireland.

Mr. *Whitbread* was hardly satisfied with this off hand opinion. He wished that the opinions of the law officers of the crown should be taken, that the House might know how the matter stood. If there was any doubt as to the law, that doubt ought to be removed. He did not oppose the measure, but it ought to be really and entirely optional with the men and officers, whether to comply or not, without being subject to any reflections in case of refusal. The measure would soon put an end to the qualification required from the militia officers, and for that they ought to be prepared.

Sir *John Newport* approved the measure, but thought that every doubt as to the maintenance of the exemptions of the Catholic officers and soldiers ought to be done away by a provision in the bill. In looking over the act for securing the succession, he was far from being satisfied that no legislative enactment on this point was required.

Col. *Bastard* adverted to the hardship of placing the militia officer in a situation where he must alter the nature of his engagement, or subject himself to the odium of government.

General Tarleton and lord Jocelyn approved of the measure. After a few words from colonel Lemon, the motion was put and carried.

PAPERS RELATING TO TRINIDAD.] Mr. *Marryatt* moved for a copy of lord Liverpool's letter to Governor Hislop of Trinidad, refusing to establish the British constitution in that Island, and stating the reasons for that refusal; for the Articles of Capitulation of Trinidad; the commission appointing Mr. Smith, first Alcalde, or chief judge, &c. &c.

The *Chancellor of the Exchequer* said, he would have opposed the motion if he could have done so without entering into particulars. It could do no good to bring the subject forward at present, and might do a great deal of harm. As he could not oppose the motion without entering into the subject, he would allow it to pass. He concluded by stating, that if the object was to shew that the British constitution should have been introduced into Trinidad, he would move for a petition of the free people of colour in that island, against the measure presented in July 1810. He would then leave it to the discretion of the hon. gent., whether he would proceed farther in the business.

All the papers were then moved for and granted.

REPORT OF THE BULLION COMMITTEE.] Mr. Wharton reported from the Committee of the whole House, to whom it was referred to consider further of the Report which, in the last session of parliament, was made from the Select Committee appointed to enquire into the high price of Bullion, and to take into consideration the state of the circulating medium, and of the exchanges between Great Britain and foreign parts, the Resolutions which they had directed to be reported to the House; and the same were read. [For the Resolutions see p. 69.] On the motion for the second reading of the said Resolutions,

Mr. *Johnstone* rose, and declared that he felt very reluctant, after the long and able discussion which had already taken place upon this subject, to offer any thing further to the attention of the House. But having had the honour to be a member of the Bullion Committee, and having also concurred in all the opinions expressed in its Report, he trusted that he might be indulged for a short time with their intention. He apprehended that among all the gentlemen who had spoken on this question, none had sufficiently considered what might be the consequence of a perseverance in our present system. Much had been very justly said on the virtual breach of faith towards the public creditor, and it was impossible that too much anxiety could be felt on that point. The debate had, however, in his judgment, done much good in drawing from those who opposed the conclusions of the Bullion Report, some concessions which had been obstinately withheld in many of the pamphlets by which that Report had been followed. With only one exception, every member who had joined in the discussion had disclaimed all belief in or adherence to any imaginary standard, in the constitution of our monied system, and that exception was the noble lord under the gallery (lord Castlereagh), whose criterion was still more fanciful and wild than any he had ever heard of. The standard had been moreover acknowledged to be the precious metals, and the only point in dispute between his hon. friend near him and the right hon. gent. below him was, whether as bullion or as coin they were the most effectual and undoubted standard. This was a point he thought of no great importance, since coin alone derived its value from the quantity of bullion which it contained. The Chancellor of the Exchequer had also distinctly admitted in his speech on the preceding evening, that a diminution of the issues of the Bank would operate favourably on the exchanges, but argued that that was a good over-balanced by the political mischief by which it would be attended. He would touch afterwards on the solidity of this last argument. Something had, too, been acquired to the doctrine of depreciation by the admission, that, as applied to external purchases, our currency had fallen in value. Now, that these external purchases necessarily affected the price of commodities in the home market, was a point very properly noticed immediately by his hon. friend, and he should therefore not dwell upon it. A great distinction had been said to exist between the present alledged excess of paper, and the excess in Ireland, whch was followed by the open establishment of two prices. But what was the cause of this difference? Two prices did not openly prevail in this country, from the terrors of the statute of Edward 6, a statute not applicable to Ireland. It had been stated by the right hon. gent., that our circulating medium amounted before the Bank restriction, to 47,000,000*l.* including 36,000,000*l.* of specie, and 11,000,000*l.* of Bank Paper; and that, at present, we had in circulation, but 3,000,000*l.* of specie, and 23,000,000*l.* of paper. He had to observe, in the first instance, that this statement entirely overlooked the issues of the country banks, on the amount of which he had some observations to make. He had moved some time ago for the production of several papers from the stamp office, which shewed that in the year 1805 the number of stamps, taken at the lowest sums to the issue of which they were legally applicable when converted into the form of country bank-notes, would amount to 10,100,000*l.*; in the following year to 10,000,000*l.*; in 1807 to 6,000,000*l.*; in 1808 to 8,000,000*l.* and in 1809 to 15,000,000*l.* In the last year their amount was 9,600,000*l.* These stamps could only be in use, according to the law, for the period of three years. Thus the years 1805-6-7, would prove the whole amount of country notes in circulation to be not less than 26,500,000*l.* and to have increased latterly to 29,400,000*l.* He was aware that this account might be liable to some deductions, but he believed them to be inconsiderable. The deposits of paper now kept by Bankers fell very far short of what they were when subject to be called on for payments in specie. There was probably at least 6,000,000*l.* of specie originally always in their coffers, to meet any accidental demand for it. This was so much withdrawn from the whole amount of the currency at the former period. Admitting, then, the correctness of the statement that, before the Restriction there was in the country 30,000,000*l.* of specie, beside 11,000,000*l.* of Bank paper, and 8,000,000*l.* of country notes, this deduction would leave the whole amount of the currency at that time, about 43,000,000*l.* The present amount of Bank paper in circulation is stated to be 23,000,000*l.* and the specie at 3,000,000*l.* which he believed, however, to be less than it actually was. After making an allowance of two millions for paper cancelled or destroyed, we should have twenty-five millions remaining, which after a further allowance for the sum employed as deposits or rests by the country bankers, would constitute a sum total of 48,000,000*l.* and an increase of 5,000,000*l.* above the whole amount in circulation, antecedent to the restriction. The increase in London alone in paper applicable to the purposes of the wholesale trade, had been calculated to be from 9 to 13,000,000*l.* It ought to be remembered at the same time, that this great increase was contemplated by various recent regulations; the use of paper had been much circumscribed, and the quantity of circulation greatly economised. The clearing house at which the transfers among bankers were made, afforded evidence of this, and the late practice of the Bank of discrediting bills had the same effect in lessening the sum required in circulation. A challenge had been given to his hon. and learned friend to adduce proof of any rise in prices corresponding to the alledged excess of paper, and certainly he fully agreed that if no such rise could be exemplified, that excess could not have taken place. But, as far as his infortion and judgment went, there could not exist a doubt that there was correspondence between them, and that the rise of prices had really gone farther than could be ascribed exclusively to the depreciation of the currency. His learned friend had, in his able speech, particularly referred to the rise of corn, unquestionably the criterion most favourable to his opponents, and had shewn the rise to be in the proportion of 7 to 11. Assuming the scale furnished by the tables of sir G. Shuckburgh, he calculated the proportion to be about 531 to 238.—The right hon. gent. had referred to the expences of Greenwich Hospital, and in his opinion that was a document well worth producing. He had seen, in one ingenious pamphlet, a scale of prices, in which it was attempted to shew that there had been no sensible rise. On looking into it, however, he perceived that the writer had, with the exception of tin and indigo, confined himself to articles of colonial produce. The hon. gent. then alluded to the neighbouring countries of Austria, Russia and Sweden, which ought to be a lesson to us. It had been said, that the exchange was affected by the present interruption to commerce; but the truth was. that our commerce, in spite of Buonaparté's decrees, had extended beyond what it had ever been at any antecedent period. In 1809 the exports increased from 11 to 23 millions, and this year the exports could not be less than 19 or 20 millions. The deranged state of the exchange could not therefore be owing to the state of the foreign markets. On one article alone, cotton, the rise was from 9 to 18 millions. A derangement had been talked of as likely to result by leaving the restriction system. It was said we could not carry on war. How had war been carried on for the last 14 or 15 years? Not, surely, from a paper system, but from a surplus produce, and our manufactures; so much the greater our produce than what was consumed by ourselves, we had the greater fund left for war. With respect to the interest of the sum due by the public to the Bank, 150,000*l.*; of that interest 100,000*l.* might be considered as compensated by the profits made by the Bank in managing government money in their hands. The Bank restriction might have produced good to this country in some such way as the mines of the new world were said, by Mr. Hume, to have benefited Spain at first; but the period was now past, and we were called on to stop. This might be carried too far, as in the human body, when a man rouzed himself to extraordinary exertions, those exertions would be succeeded by lassitude. The depreciation really began in 1797, and if the course of exchange had been sometimes since that period favourable, it was entirely owing to our balance of commerce. We had never mistaken the nature of the depreciation of the currency of our colonies: why, then, should we deal a gentler measure to ourselves than we had dealt out to them? All the banks that had followed the system of the Bank of England, had ended in depreciation; and if the Bank of England had stood out longer, it was entirely owing to the greater credit of this country. The hon. gent. concluded with imploring them, therefore, to return to the old and salutary system.

Mr. *Fuller* rose and said: Mr. Speaker, if the hon. member who has just spoken, alluded to my financial knowledge, I am only greatly surprised, and very much obliged to him. But he might as well have talked upon any thing else. For, Mr. Speaker, I don't like this business at all. I think that it is a humbug. I think that it is the greatest humbug that ever was put upon the country since that affair of the duke of York. There is no depreciation; or I know nothing at all about the matter. I can't understand how they would make out that there is any depreciation of the currency of the country. No, Sir, this is all the attempt—this is all the system of the base faction, the cowardly faction, who are undermining the credit of the country. (Cries of Order, order!) Yes, Sir, the faction that originates every thing malevolent to ———, but, Sir, I go to other things. Some gentlemen, Sir, say the guinea was once worth 20*s.* It is now worth 21*s.*; and some say it is worth 24*s.* Why, then, if this be the case, why not say so? why not speak out? why not raise the guinea at once, to 24*s.*? I don't pretend to puzzle myself with these things: but I say, let the country be firm; let the country keep up the credit of its currency, and all will go well. There are various reports as to what goes with the gold; some say it has disappeared; and some say it has been hoarded on the sea-coast, in order to send off by the first boats that come, to take it to the continent. No matter for that. What should hinder our having a circulation of our own, that nobody could take from us? The people would make no objection, they would take any thing for money; they would take tallow candles for change, if they would not melt in their pockets. If we once adopt this plan, we may defy the enemy as long as we like. We can make coin of leather or oyster-shells; and if we can only keep up its credit for a year, we shall have Buonaparté on his knees at the end of it. He, that tyrant, the emperor of France himself, will be in despair of ruining us. He will see that nothing can shake the stability, the firmness, the strength of the British empire. I wish I could see a gentleman here (laughing), I mean, Mr. Speaker, I wish I could see a gentleman in his place (Mr. Sheridan), that was here the other night, when we were talking about play-houses. A great man, a noble person, Sir, I would have given him a hundred play-houses. Sir, he always came forward, he always spoke when there was a mutiny, when there was a riot; whenever, in short, the country was in danger, he forsook his party, and spoke his mind. He would certainly have spoken now, and I only wish he was here to speak. He would have put down this mean, conspiring set. (Order, order!) Sir, I wish to set my face against the whole scheme. It grieves me to see the time of the House taken up so many nights one after another, with this tiresome question. It grieves me to see so much labour and sweating about this Bullion Report. Why, Sir, it won't make a bit better figure in the papers, than that nonsensical dispute between you and me.* (Hear! and laughing).

Mr. *C. Adams* commenced with a history of the nature of coin; and then proceeded to discuss Mr. Huskisson's pamphlet: he said, that gold had been considered the most precious metal from its rarity, as well as from its ornament and use. It was the most ductile, the most malleable, the most beautiful of all the metals; and it was besides the most hard to be got. The hon. gent. said, he was clearly of opinion, that gold bullion was not the standard of our currency; that mint coin, and mint coin only was; and that paper, as referable to such coin, was not in the smallest degree depreciated.

Mr. *Thompson* contended, that the present difficulties of the country arose out of the state of its foreign trade. If we had no exports for our imports, it was not surprising that the price of bullion should be high and the rate of exchange low. The system of exchanges admitted of almost as much gambling as dealing in the funds. What had taken place upon this question had done much mischief; but he was persuaded that the result of their discussions would remedy the evil. As to the depreciation of paper, he should say, that neither the Bank could pay its notes in specie, nor could any gentleman in England pay one hundredth part of his debts in coin. When he took a promissory note, it was not in the expectation of being paid in cash, but because he knew the individual to be possessed of capital and property. He denied that the directors of the bank could, by limiting their issues, have any effect on the exchange; and if they could, it would not be desirable that the little gold in the country should be suffered to go to the enemy. He wished the Committee had shewn how the diminution of paper would bring back gold. The country would not have reached its present elevated situation if it had not had an abundant circulating medium. As to the country banks, it was usual with them to keep a large stock of Bank of England notes and government securities, in order to answer any run upon them; it was not to circulate an excess of their paper. He knew a banker, not in want of capital, who wished to increase his issue, and after having tried the experiment for one year, found he had not 1,000*l.* more of notes out in consequence, and made not a shilling by the operation. He should agree to any measure for rendering the country banks respectable, but must deny that they had, as they had been charged with doing, issued their paper to excess. The fact of the excess of paper was barely assumed; he could wish to hear it separately discussed. The liberality of the Bank had saved many persons from sinking under the pressure of the times. It was his opinion, that it would be better to go on with the existing system, than by resorting to any untried schemes, to risk the ruin of the trade and commerce of the country.

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* See vol. 15, p. 641.

Mr. *Marryatt*, in commenting on the speech of an hon. gent. (Mr. Fuller), said, he was willing to leave to that gentleman his oyster shells provided he would give him in return more gold and silver. A noble lord (Castlereagh) in speaking of our northern fellow subjects, the Scots, had called them what no man could deny them to be, a most moral and ingenious people. His proof of that assertion was, however, rather whimsical. He had said that not a peasant could be found in Scotland who would prefer guineas to bank notes; if so, he could assure the noble lord that their countrymen in London were distinguished by a very different sort of magnanimity; for here the difficulty would be to get them to take paper where they could get guineas. The noble lord, however, might have drawn more striking facts from amongst his own countrymen. In Ireland there was no taking up a newspaper, without seeing advertisements, vying with each other in offering guineas, doubloons, and dollars to sale. He read two of these advertisements from a paper he held in his hand, one signed O'Keefe, 113, Exchange, Cork; the other signed Hely, in the same city, where both professed to offer each of them a higher price for guineas than any other man in Ireland.

Mr. *Simeon* spoke shortly in denial of the depreciation.

Mr. *W. Smith* proceeded to state a fact or two, as proofs of the depreciation; first, That a pipe of wine, for which 110*l.* was demanded in the ordinary currency, had had been sold for 90 guineas—second, That a man having 600*l.* in gold, came to London to purchase certain articles in the way of his business and was allowed 12½ per cent. as the difference. But then it was answered that the guinea had risen. The Bank promised to pay in standard coin, and if the notes had been convertible into this coin, or had been considered as equivalent, then the man possessing the 600*l.* in gold would have had no advantage over one having as much in paper. But the difference fully proved the depreciation. After stating that actions would soon be brought for coin, unless the expence, and the sense that each prosecutor might be served in the same way, prevented it; he said that it was in vain for gentlemen to shut their eyes against the fact of depreciation, as the ostrich hid its head and then thought itself secure and unseen. Vigorous measures ought immediately to be taken to check it; the longer the remedy was delayed the more severe would be its operation. He then commented on the conduct of the Bank directors, which had been too much censured by others. They had certainly been placed in a difficult situation: but the cause stated for the restriction was, that they might have specie to answer the public emergencies. There were some grounds to believe that they had not strictly performed this condition, and therefore, their conduct was not deserving of the applause so liberally bestowed upon it. They had made immense profits, as appeared by the great rise in their stock, being from 180 to 280 since the restriction, while the government funds had, during the same period, only risen from 56 to 65. Adverting then to the remedy, he said that the Bank ought, at some loss to the proprietors, to put itself in a situation to resume cash payments, when parliament thought it expedient. He could not fix any definite period, neither did he imagine that the restriction ought peremptorily to be continued during the war. It was impossible to say how long that might last. They had not at present even a glimpse through the gloom.

The Resolutions were read a second time, and on the motion that the first be agreed to,

Mr. *Horner*, for the purpose of having his own Resolutions recorded on the Journals, moved as an Amendment, to leave out all the words after the word, "That," for the purpose of inserting those Resolutions.

This Amendment was negatived without a division.

Mr. *Canning* asked the right hon. gent. opposite, whether in the mention which he made in his first Resolution of "the right of establishing and regulating the legal money of the kingdom, having been at all times a royal prerogative," he intended to imply that the prerogative was entire and unlimited?

Mr. *Vansittart* replied, that his Resolution had been drawn in compliance with the precedent stated in lord Liverpool's work and founded on the authority of sir Matthew Hale and others.

Mr. *Canning* adverted to the 14 of the king, chapters 70 and 92, regulating the weight and fineness of the coin of the realm.

Mr. *Vansittart* observed, that his Resolution did not trench on that act; and repeated that observation in answer to some similar remarks from Mr. Huskisson.

Mr. *Rose* maintained, that his right hon. friend's Resolution was not at all contrary to the spirit of the act alluded to.

Mr. *Ponsonby* called the attention of the House to the danger of passing this Resolution. It affirmed, that it had always been the right of the crown to mix the proportions of pure metal and alloy in the coin at its pleasure, and to make it represent what value it pleased. This he denied. There had always been a standard, and in proof of this he referred to the statute of Edward 3. That the crown possessed, and had exercised a right which was nearly equivalent in effect, namely, the right of altering the denomination of the coin, was true. Some of our kings had adopted this method of cheating their subjects, but as lord Liverpool had said, that was an expedient which in the end had never been profitable or honourable to the crown. But the prerogatives of the crown were a trust for the benefit of the people, and he beseeched their representatives to consider what it would be to say, that the crown had the power of establishing whatever base money it pleased as the coin of this country. This part of the Resolution was besides unnecessary, because it had no necessary bearing on the question under discussion. The Resolution further stated, that the crown had often exercised this prerogative in concurrence with the States of the Realm. This was a contradiction in terms, for the meaning of a prerogative was, that it might be exercised by the crown without the intervention of parliament. This alleged prerogative was at least sufficiently doubtful to require the House to pause before they passed such a Resolution. If they did pass it, whatever might be their own judgment as to their conduct, no lawyer nor man of sense in the kingdom would approve of it in this instance.

Mr. *Bathurst*, on the other hand, maintained that the Resolution was perfectly correct, and easily to be comprehended.

Mr. *P. Carew* followed on the same side.

Mr. *H. Thornton* thought the Resolution erroneously expressed.

The *Chancellor of the Exchequer* was decidedly of opinion, that the declarations respecting the royal prerogative on this subject in his right hon. friend's Resolution, and the Resolution of the hon. and learned gent. were equivalent to each other. In both was expressed what in common law was the prerogative, and the way in which that prerogative was limited by statute. The indulgence with which the gentlemen opposite overlooked this in the hon. and learned gentleman's Resolution, and the acuteness with which they detected it in his right hon. friend's, was a proof of ingenuity rather than of candour.

Mr. *Horner* hoped the House would come gravely to a decision on this most important point, without reference to the merits of either set of Resolutions. If his Resolutions contained precisely the same import as his right hon. friend's, why had the right hon. gent. voted against it? As to the authority of lord Hale, he admitted it to be great, but it was opposed by that of Blackstone, who held that the king's prerogative did not extend to the debasement of the current coin. In what part of Hale, too, was his opinion found? It was in a commentary on the reports of cases in Ireland, by sir John Davis. The

House was, therefore, called on to declare that to be a royal prerogative, which even prerogative lawyers had considered doubtful. He was happy to see the crown lawyers in their places on this occasion.

The *Attorney General* contended that all those who had read the Resolution of the hon. and learned gent. must perceive that he had himself subscribed to the opinion of lord Hale. This was the natural and obvious meaning of his expressions. (Hear, hear! from Mr. Wynn.) He would not be prevented by any vociferation, however offensive, from declaring his opinion. He extolled the value and authority of sir J. Davis's Reports, and observed that the Resolution before the House did not imply that the prerogative was to be exercised without consent of parliament.

Mr. *Wynn* vindicated the right of every member to interrupt another when advancing unsupported assertions, and observed that the case in Ireland, mentioned in the Reports alluded to, took place at a period when Judges travelled in Ireland in the midst of an army.

Mr. *Tierney* said that as a former Amendment for omitting certain words in the Resolution had been rejected, he should move that there be added to it these words "and that it is expedient to declare it."

Mr. *Canning* said, he was indebted to the right hon. mover for thus giving him an opportunity to remark, that the prerogative of altering the denomination of the coin having been limited and defined by a positive statute, he could not conceive what motive could induce any member to call upon the House to contradict by its Resolutions the written law of the land. If in conformity to such a resolution, a proclamation should appear to-morrow for altering or lowering the standard, even by a single grain, of our currency, any man acting in obedience to it would subject himself to all the penalties of the law. With this conviction, he intended, therefore, if the right hon. gent.'s Amendment should be rejected, to propose in lieu of it the follow-ng addition—"and that the weight and ineness of the gold and silver required o be contained in the coins of the realm re fixed and ascertained by 14 Geo. 3 ap. 96."

Mr. *Ponsonby*, though fully sensible of he value of lord Hale's opinion, knew hat both he and lord Coke sometimes ommitted mistakes in point of law: and hat he thought that sir Wm. Blackstone, who had all their light, was a great authority too. Sir John Davis laid down such doctrines in favour of prerogative occasionally, that if any lawyer in Westminster-hall should think proper to maintain them at present, it would not much conduce to his reputation.

Mr. Tierney's Amendment was then put and negatived.

Mr. *Canning* then brought forward his amendment, stating in addition, that the weight of gold and silver was fixed by the 14th Geo. 3, cap. 96, which after a short conversation was negatived.

The second Resolution was then put and agreed to.

Mr. *Tierney* stated it to be his intention to move an amendment to the third Resolution, and he was anxious that the whole question should be adjourned.

The *Chancellor of the Exchequer* opposed the adjournment.

Mr. *Tierney* said this was unfair, as he had never been able to get an opportunity of delivering his sentiments.

After some further discussion the question was adjourned till to-morrow.

HOUSE OF COMMONS.

Wednesday, May 15.

REFORM OF PARLIAMENT.] Mr. *Brand* called the attention of the House to his notice of a motion on the subject of Parliamentary Reform, which stood for that day. Although this was a subject of the most important description, yet for the convenience of his friends and of the House, he had agreed to postpone his motion. It was with great inconvenience to himself that he did so, as he was under the necessity of going to the country immediately, on business that could not be neglected. If he had brought it on that night, however, he was aware that the House, after the tedious and interesting discussions in which they had for some time been engaged, would hardly have been able to attend to the subject of his motion, in a way suitable to its importance. With the leave of the House, therefore, he would withdraw his motion for the present. He could not exactly fix a day for bringing it on; but he hoped to be able to do so early in the ensuing month.

PUBLIC EDUCATION IN IRELAND.] Mr. *Wellesley Pole* said he rose, in pursuance of the notice he gave a few days ago, to move for leave to bring in a Bill to appoint Commissioners of public classical education in Ireland, and for the regulation of several endowed grammar schools. With the permission of the House, he would trespass for a few moments upon their time, while he explained the nature and object of a Bill which he meant to propose. In the year 1806, Commissioners were appointed in Ireland for the purpose of inquiring into the state of the different places of public education in Ireland, and into their funds. This was a revival of a former Commission, and under the law, the lord lieutenant had the power of appointing six Commissioners, five of them taken from the Commissioners of Charitable Bequests. These Commissioners had made reports upon the state of the schools, they having sat since the year 1806, and paid the utmost attention to the subject. They had given no less than eleven different reports upon the state of the following schools, namely, the free schools upon the royal foundation, those instituted by private individuals, the Protestant Charter schools, the free schools under the act of queen Elizabeth, Wilson's hospital, the Blue-coat school, the Hibernian school, the Foundling hospital, Erasmus Smyth's school, the Hibernian Marine school, and also the Parish schools. Those who had looked at those reports would find that they embraced a great variety of objects of the utmost importance, and that they stated the extreme difficulty the Commissioners found in determining how to arrange them. The Commissioners had recommended the adoption of various alterations, but they had at the same time left it open to Parliament to decide upon the best mode of proceeding. Upon receiving these reports, the best method appeared to be to collect all the suggestions of the Commissioners together, and to frame from them the skeleton of an act of Parliament. After they were embodied into the shape of an act, it was transmitted to the Commissioners for Education, and they were desired to make alterations, if necessary. They accordingly returned it in the shape in which the should now take the liberty of submitting it to the House. But upon a subject of such importance he felt it also to be his duty to put the House in possession of the ideas of the Commissioners, and then let the whole matter lay over till next session in order that the most ample time might be given for the consideration of a subject of such immense importance. It would, however be necessary for him to state the general outline of the Bill, as it came from the Commissioners, and the view with which it had been framed. It appeared that it would be extremely desirable that there should be some mode adopted in order to bring these various institutions under some set of persons competent to undertake the controul of such matters, and therefore the Bill goes to appoint Commissioners for that purpose, with such restrictions as might be thought necessary upon further investigation of the subject; and also to give them the management of their funds, according to the nature of the several grants by which they originally became framed. Opinions were taken of respectable persons who now are Commissioners of Education, and also of the lord chancellor, and the idea suggested was, to appoint six Commissioners, amongst whom the following were to be selected, namely, the Lord Primate, the archbishop of Dublin, the Lord Chief Justice of the King's Bench, and the provost of Trinity College, and four to be appointed by the lord lieutenant, in order that there might always be a sufficient number to attend to the duties of the office. Many of the institutions which he had mentioned, were conducted by the most respectable persons, and in a manner highly beneficial to the public; and it was at first suggested that several of the schools should be excepted from the controul of the Commissioners, particularly the Foundling Hospital, and the Protestant charter schools. But when the Bill was returned from the Commissioners, it appeared that they had struck out all the excepted cases but one, viz. the schools of Erasmus Smith. It would, however, be for the House to determine whether any or what exceptions should be made. In the Bill, it would be found that an an attempt had been made to embody many of the observations made by the Commissioners in their reports. Among the subjects thus taken up, the most prominent were the Diocesan schools. It appeared that by law there ought to be one diocesan school in every diocese, one-third of the expences of which was to be paid by the ordinary, and the remaining two-thirds by the clergy and from the tithes. Upon inquiry it turned out, however, that there were but ten diocesan schools established in Ireland. It therefore became necessary that some steps should be taken upon this subject, and some regulations were therefore introduced into the Bill for that purpose. The last report of the Commissioners, which was upon the parish schools, gave a very unfavourable account indeed of them.—By the act of Elizabeth, parish schools were established in every parish in Ireland, and the clergyman of the parish was bound to keep them. It was a most important fact, that up to this day no clergyman could be inducted into a living in Ireland without taking an oath that he would keep, or cause to be kept, a school in the parish. Instead, however, of keeping the school, the usual course was for the clergyman to pay forty shillings a year to some person to keep a school, or put the money in his pocket, just as he pleased. When the commissioners called first for the returns from the different parishes, of the number of schools, they received, out of 1120 parishes, 837 reports, by which it appears that at that time there were 361 schools. In 1809 the Commissioners made another application for reports, and it appeared that in 736 benefices there were 549 schools. So far the case was rather better than on the former occasion. In the first instance it was stated, that there were 11,000 children educated, and in the latter 23,000; but it did not appear that these schools were well regulated; he proposed to put them under the controul of Commissioners: but he feared there was no prospect of their being able to effect any great improvement in that most material branch of the whole concern. The Commissioners had only one more report to make; and that was upon the general system of education in Ireland, but it was hopeless to look for any improvement that did not emanate from the parish schools; they must be the foundation of whatever was done. Mr. Pole then read some extracts from the Report, and said that the duke of Richmond, upon receiving it, directed that a letter should be written to the Commissioners, calling their attention particularly to this part of the subject, and directing them to form a plan for a general system of education. They were now engaged upon that plan, and he hoped that during the recess they would be able to give such information as would enable government to lay the foundation of an uniform system. He had no hesitation, however, in saying in this early stage of the business, that in considering how this matter was to be brought to bear, he should look to the oath taken by the Protestant clergymen, and see whether they ought not to a certain degree to bear the expence of the establishment. He should not trouble the House further at present, and therefore moved for leave to bring in the Bill for the purposes above mentioned.

Sir *John Newport* regretted that there were some schools in Ireland not mentioned in the Report of the commissioners. He disapproved of increasing the salaries of masters too much, as it would have a tendency to make them negligent; and insisted that no schools should be exempted from the superintending power. He was surprised that those who held dioceses in Ireland, and were bound by oath to instruct a certain number of pupils as prescribed by law, should have neglected to comply with it. The commissioners, he thought, ought to have power to compel every parish to make a return; and the fair inference, he thought, from neglecting to make returns was, that they were conscious of having omitted their duty.

Mr. *Wilberforce* hoped that the actual formation and execution of the plan alluded to by the right hon. mover, would not be long delayed. The commission had already existed 10 years, and something should be done. He was satisfied that that man would be the greatest benefactor of Ireland, and of this country also, who succeeded best in the promotion of education, and by that means in the promotion of virtue and good morals.

Leave was then given to bring in the Bill.

REPORT OF THE BULLION COMMITTEE.] The House resumed the adjourned consideration of the fifteen last of the Resolutions which were yesterday reported from the Committee of the whole House, to whom it was referred to consider further of the Report which, in the last session of Parliament, was made from the Select Committee appointed to enquire into the cause of the high price of Bullion, and to take into consideration the state of the circulating medium, and of the exchanges between Great Britain and foreign parts. The Third Resolution was then read: viz.

" Resolved, That it is the opinion of " this Committee, That the promissory " notes of the company have hitherto " been, and are at this time, held in pub" lic estimation to be equivalent to the " legal coin of the realm, and generally " accepted as such in all pecuniary trans-

"actions to which such coin is lawfully "applicable. Upon which,

Mr. *Tierney* rose and said, that if the subject was of less importance, he should have to apologize to the House for taking up any more of their time upon a topic which had already been so ably discussed. He really, after the first night's debate, felt no inclination to speak upon the subject, as it appeared to him to be then disposed of. He had never heard an abler discussion in Parliament than had taken place upon this subject; and he thought the highest compliment was due to the hon. and learned gent. (Mr. Horner) who brought forward the business, for the reach and comprehension of mind which had enabled him to take in the whole of this most extensive and difficult subject—for the unwearied industry with which he had collected such a mass of information upon it—and for conveying that information to the House, in a speech of such forcible eloquence as had rarely occurred in our parliamentary history. Agreeing, as he did, most perfectly in all the general Resolutions of that hon. and learned gent. he could not agree with him in his last Resolution, which assigned the expiration of two years as the period when the Bank should be obliged to resume its cash-payments. He should have abstained from troubling the House at present, if the proposal he had made last night had been agreed to. He could have wished that the Report of the Bullion Committee had been left alone to work its own way in the public opinion: but when it was not thought sufficient to reject the Resolution contained in that Report, but that it was also thought necessary that the House should pass Resolutions of a contrary tendency, he felt it necessary to propose an Amendment. He chose to move his Amendment upon the third Resolution, because those who brought it forward professed, that passing this Resolution would put the question of depreciation at rest. But in what manner was it now attempted to put this question to rest? His hon. and learned friend (Mr. Horner) had proposed in a Resolution, "That the actual value of the promissory notes of the Bank of England (measuring such value by weight of standard gold and silver as aforesaid) has been, for a considerable period of time, and still is, considerably less than what is established by the laws of the realm to be the legal tender in payment of any money contract or stipulation." The Amendment moved by a right hon. gent. (Mr. Vansittart) entirely evaded the main question in this Resolution about the value, and asserted only that Bank notes and money were of equal value in the estimation of the public. The question of depreciation was thus avoided: for the right hon. gent. did not state that the actual value of Bank notes was equal to what they purported to represent; but said merely that they were equal in public estimation. Now, what did he mean by public estimation? He certainly did not mean the general estimation of all countries; for no one had yet attempted to dispute or deny, that in the estimation of foreigners our paper was depreciated, and was not of the value which it purported to represent in gold or silver. They had only attempted to argue, that for the purposes of home circulation our paper was not depreciated. He could not, however, conceive how a currency, unsound as to foreign nations, could be sound at home: or how that could be equivalent to gold here, which was not equivalent to it abroad. As to the experience of individuals, which was mentioned in the course of the discussion, several instances had been stated where goods were offered at different prices, if paid for in money or in Bank notes. These instances proved, as far as they went, that the two things were not exactly the same in public estimation.—There was another circumstance, however, which would put this position in a stronger light. About a month ago, the Chancellor of the Exchequer received a paper from a deputation of many of the first merchants in this metropolis, attributing the unfavourable rate of exchange to other causes than those stated by the Chancellor of the Exchequer. This paper stated, "That it was the licensing system, and the great encouragement it afforded to the exports of the enemy, which turned the rate of exchange so much against this country, occasioned the great rise of bullion, and the apparent depreciation of Bank paper." This paper was signed by Mr. Mellish, Mr. Thornton, sir C. Price, and a long list of the most respectable merchants in London. Although he did not then see any of those gentlemen who had seats in that House present, yet he hoped that they would drop in in the course of the discussion, and explain their ideas upon this subject. Was it not a monstrous proposition that the House was called upon to vote, when after almost all the leading houses in the city had told the Chancellor of the Exchequer that there was an apparent depreciation of Bank notes, parliament should be called upon to say, that there was not, and that in public estimation Bank notes and money were of the same value.—He should not go into the examination of those general principles, which had been already so ably discussed; but for his own satisfaction, as a member of the Committee, he must declare, that in the general principles he agreed with every syllable which had fallen from his hon. and learned friend; and it was his firm conviction, that there was a depreciation of our currency, and that it arose from an excessive issue. On the present occasion, it was they who denied the excess who were bound to prove that there was none, as all the symptoms and every presumption was, that there was an excess. It was to be noticed, that there were above 770 country banks, all forcing as much of their paper into circulation as they could. —It appeared in evidence, that one country banker wished to get 50,000*l.* more of his notes into circulation; but with all the exertions he could use, he could only force 1,000*l.* more than was before circulating. Probably some other country banker of his neighbourhood, no less enterprising, had gone before him, and forced upon the market the utmost quantity of paper which it could bear. It was then perfectly established, that there was a number of persons always watching most anxiously for an opportunity to force upon the market as much paper as it would bear, which must have a natural tendency to excessive issues. There being, then, a natural excessive issue, and an apparent depreciation, the presumption was, that there was an excess which produced the depreciation. Those who denied this fair presumption, were bound to shew that there was no excess. When he used the word depreciation he wished that he could find any other word in the language to express his meaning. He did not mean, nor did any of his friends mean to argue, that Bank notes were discredited; but he meant to say, that they had lessened in value, as was evident by gold bearing so a high a price in reference to the coin that those notes purported to represent. He must deny, however, that Bank notes and money were of the same value, either actually or in public estimation. In the ordinary occurrences of life, and in small transactions, the one might serve as well as the other. With paper he could pay his taxes, and make what purchases he wanted; but in transactions on a larger scale, the value was not the same. The answer generally given to this position was "Oh, then, you must suppose men to be acting unlawfully, and breaking the laws of the realm." As to the laws respecting the coin, he did suppose they had been violated every day since they were first passed. Those laws, as had been stated by the best writers, were very doubtful in their policy, but ineffectual in their operation. As long as coin could, by even violating the law, be turned into bullion, which was a thing of greater value, and paper was not convertible, coin and paper could not be of the same value. When it was well known that there were a race of men in this city, anxiously catching at the smallest advantages, even at one eighth per cent. upon Stocks or Exchequer bills, how could it be supposed that men would be wanting who would violate the law for a premium of 20 per cent. which they could gain immediately by melting the guineas? If the right hon. the Chancellor of the Exchequer were to go to the bullion market for the purpose of buying gold, did he really suppose that he could buy gold on as favourable terms for Bank notes as for coin? If he was sure that he could not, how could it be said, that gold and paper were of the same value? He did not approve of the form of the amended Resolutions going so particularly upon dates. This semblance of extraordinary correctness was often assumed merely to put the adversary to trouble in detecting the inaccuracies.—He should next make some observations on those Resolutions, as they would affect our foreign trade. Those who had all along opposed the Orders in Council, could not be surprised at seeing the consequences turn out such as they apprehended, but he was really surprised, that those who always supported them should think it advisable to publish such Resolutions to the continent. Did they see no danger in circulating all over the world, that the rigour and violence of the enemy had done the greatest injury to our trade, had kept the rates of exchange always unfavourable to us, and had produced an apparent depreciation, at least, of our Bank paper? All this he thought would be much better omitted, especially at the gentlemen on the other side of the question proposed no remedy for the evils which were acknowledged to exist. He saw great danger in proclaiming to the world, that our enemy had brought us into a situation of unparalleled embarrassments, unless the means of getting out of them were also pointed out. It appeared to him most ridiculous for the House to tell the people what the public estimation was respecting Bank notes, for the public must be at least as good judges of that as the House. The first Resolution was, in substance, that as we could not contrive to make our currency conform to the standard, it was a part of the royal prerogative to make the standard conform to the currency. There was at least this difference between those who agreed with the Report and those who opposed it, that the one proposed some remedy, and the other proposed none. The right. hon. gent. (Mr. Vansittart), instead of proposing any remedy, contented himself with stating generally what every body knew before, namely, that it would be advisable that the Bank should resume cash payments as soon as it could conveniently. He, of course, could not wish for such a premature resumption of payments, or so great a limitation of issues as to produce very great inconvenience to the government or to the trade of the country. But although some inconvenience would probably result from any limitation of the issues, yet in the midst of a most expensive war, we must be prepared for some inconveniencies. The right hon. gent. (Mr. Vansittart) had spoken of a certain madman in Abyssinia; but it appeared to him that nothing more ridiculous could occur to the mind of any madman in Abyssinia, or out of it, than that great and expensive wars were to be carried on without any pressure or inconvenience being felt; and yet this appeared to be the system of ministers. They seemed to think that by the dexterous device of substituting a paper currency for money, the country might be made to carry on the most expensive war without feeling any pressure at all. They no longer now supported the Bank restriction on the grounds upon which the act was originally brought in, but they seemed now to stand up for it as a system good in itself, and productive of great benefit to the country. The measure was first proposed on absolute necessity, and for the public safety; it was now supported as a system of advantage to the public. Against this new system, and those doctrines, he must always give his decided opposition. He then referred to a book which had been often quoted in the course of this discussion, and of which he thought most highly, that of the earl of Liverpool on coins. His lordship in one passage seemed to have foreseen the system which was now supported. He says that some persons fancy they have discovered that the gold and silver might safely be sent out of the country, and a paper currency substituted. This practice, however, went directly to encourage over-trading, and to the exercise of unworthy artifices to support the credit of ruined adventurers. In every commercial country, capital was absolutely necessary, and coins should be made and kept as perfectly as possible to the standard. Lord Liverpool seemed in this publication to have foreseen that a time would come when persons would contend that the way to carry on wars was to send the gold out of the country, and in the place of it to adopt a paper circulation. The right hon. gent. then proceeded to state his Amendment, which was in substance, "That it was highly important that the Bank restriction should be removed at as early a period as possible, and that during the continuaiion of it, it was the duty of the Directors to regulate their issues, on the principles upon which they were governed, while they were obliged to make cash payments." He should certainly object to naming a day upon which the Bank should be obliged to resume its payments, but he wished to lay down some principles by which the Bank might understand the meaning of the House. He thought that if the House now laid down such a principle, they would do all that was at present necessary to be done. He believed that a gentle hint would be quite sufficient to the Bank Directors. Hitherto, they were warranted in conceiving that it was the wish of parliament that they should make abundant issues. Since the restriction, the public had borrowed from them two separate sums of three millions each, without interest. What could the Bank judge from this, but that it was expected that they should make abundant issues? Before the restriction, they conducted themselves on the sound, honest principles of banking, and refused an advance of money to Mr. Pitt, even in his plenitude of power, although he stated it to be absolutely necessary for some operations in the Austrian war. At that time, the necessary care of their own interests obliged them to refuse him; and he hoped that they would again return to the sound principles of banking, and no longer suppose, that it was understood, that government and themselves were to participate in all the advantages which could be made of forcing a paper currency upon this country, in the place of the lawful money of the realm. Such a declaration as he had stated in the Amendment he had read, would in his opinion lay the foundation of retracing our steps, and recovering from the evils which were obvious, and which were confessed by all sides. This course he conceived better than fixing a day for the resumption of cash payments, and much better than the set of Resolutions submitted by a right hon. gent. (Mr. Vansittart), who proposed no remedy at all. The right hon. gent. concluded by moving the Amendment which he had stated in his speech.

Sir *John Sinclair* rose and said:

Mr. Speaker; I should not probably have troubled the House at so late a period of the discussion, after the doctrines contained in the Bullion Report, had been so ably refuted by several respectable members, had I not been personally alluded to in the course of these debates, by an hon. gent. (Mr. Whitbread), as having become a proselyte to new opinions. This is a point which I think it necessary to explain. In the year 1797, I happened to be a member of the House, when the restriction on the payments of cash at the Bank of England was first established. I was then inclined to believe, that the continuation of that restriction would be injurious to the commercial and general interests of the country, and that it was possible to form a plan by which the payment of cash at the Bank might soon be resumed. Those ideas I stated to the public in a short tract, which has often been invidiously quoted by those who concur in the doctrines of the Bullion Committee. It is absurd, however, to contend, that the opinions of men, like the laws of the Medes and Persians, should be perfectly unalterable, and that no change of circumstances, no further experience, no new and decisive facts, should make any impression on the mind of one, anxious to ascertain the truth, and open to conviction. My object then was, to maintain a system which I thought had materially tended to promote the prosperity of the country. My object now is, to maintain another system, which I am convinced has answered the public interest better; and if the hon. gent., (Mr. Whitbread), will produce a third system, that will promote the public interest more effectually than either, it will find a friend and advocate in me.

In regard to the general subject, connected with the Bullion Report, it has been so ably discussed in the debates which have already taken place in this House, and has been so fully treated of, not only in an endless succession of pamphlets, but in daily, weekly, monthly, quarterly, and every other species of periodical publication, that it seems to be in a great measure exhausted. I should wish, however, with the permission of the House, very shortly to state to it, first, the nature of our paper currency at this time, according to my conception of it; and next, to point out how that currency differs from those of America and of France, which were at first depreciated, and afterwards totally failed. It is the more necessary to dwell upon that circumstance, as the members of the Bullion Committee, and their abettors out of doors, take advantage of those failures, to throw a slur on the solidity of our medium of circulation, though in point of fact there is no earthly resemblance between them.

An hon. friend of mine (Mr. Davies Giddy), who has spoken with great ability on this question, but who has given way to an unfortunate bias in favour of the Bullion system, in the course of one of our late debates, divided currencies into two sorts, one possessing an intrinsic, and the other an ideal value. I am rather inclined, however, to prefer the terms, metallic, and representative.

In regard to a metallic currency, it is singular that in China, which contains the greatest mass of population ever collected under one government, (it is stated by Mr. Barrow at above three hundred millions of souls), the precious metals should be considered merely as merchandize, and that when foreign coins are even imported into that country, they should be immediately converted into ingots of silver, and what are called shoes of gold. It appears from a work of authority lately published (Kelly's Cambist), that there is but one kind of money in China, which is used for small payments, called cash, consisting of six parts copper and four parts lead; it is not coined, but cast, with a square hole in the middle, by means of which it is carried about like beads, on a string or wire. I do not mean to contend, that coin is not extremely convenient for making the smaller payments: and I should have no objection to see it as current as is requisite, in all our pecuniary transactions. But the state of China is a sufficient proof, that coining the precious metals is not indispensably necessary for a populous, civilized, and commercial people, and hence that all the ingenious speculations regarding the necessity of having gold and silver in coin, or possessing a fixed standard of value in coined gold or silver, to which every thing can be referred, however necessary it may appear to the theorist, is not essential in practice. It would be an amusing spectacle to see the hon. gent., (Mr. Huskisson), endeavouring to convince a Chinese Mandarin, that his country must be in a state of ruin, because it possessed no standard, and because no coins of gold or silver were to be met with in its circulation.

As to the currency which prevails in this country at this time, to which the name representative may be properly applied, it may be defined, "a species of paper money, issued for value, representing actual property, convertible into every species of goods at will, receivable at the Exchequer, and returning, at no great distance of time, to the coffers whence it was issued."

The advantages of such a currency are very great. 1. It is procured with little trouble, and at no expense, and supersedes the necessity of exporting goods or property to the extent of many millions, merely to obtain a medium of circulation. 2. It need never be diminished in its amount; on the contrary, it may be increased, whenever the circumstances of the nation require it, a point of infinite moment, and the advantages of which Hume has ably described. 3. It enables a country, without inconvenience, to export its metallic wealth, for carrying on necessary wars, or purchasing grain in times of scarcity or famine. 4. It is the means, both directly and indirectly, of making important additions to the revenue, and creates a saving to the country of those expences which coinage continually occasions, and that to a considerable amount. In the reign of king William alone, it cost us above three millions, without our deriving any advantage from it whatever. 5. It makes a nation independent of all other countries for its medium of circulation, a point of infinite moment, more especially in time of war; and, in the last place, what makes me peculiarly attached to the system, is this, that it possesses a species of magical influence on the internal prosperity of a nation. Even in the midst of a long and expensive war, we see its effects—industry abounds—agriculture flourishes—commerce and manufactures have increased—money is procurable at a moderate rate of interest—the public revenue becomes every year more and more productive—public loans are obtained to any amount, and on cheaper terms; and every species of domestic improvement, as roads, bridges, canals, harbours, public edifices of various descriptions, enclosures, plantations, cultivation of wastes, &c. all these proofs of national prosperity, are carried on with a degree of energy, and, more especially at the present moment, are multiplied to an extent, not to be equalled in any other period even of our own history, and far less in that of any other country in the universe.

Perhaps the world never witnessed such a scene as Great Britain has lately exhibited; with the one hand we have been spreading cultivation over our own soil, and carrying on the commerce of the universe; whilst with the other, we have fought successfully against the tyrant of the continent, and all his millions of subjects. Our empire of the sea we have confirmed—we drove the French out of Egypt—Portugal has been rescued—the emancipation of Spain, is, I trust, at no great distance—every possession belonging to the enemy in both the Indies has been subdued. And shall we throw away all these advantages, arising from abundant circulation, (for on that they depend), and obtained during the reign of a paper currency not convertible into coin? Shall we dismiss a fleet that rules the ocean? Shall we disband an army the terror of its opponents? Shall we destroy those resources which, if properly applied, may yet humble Napoleon to the dust? And shall we submit ourselves to a ferocious, and to a conquered enemy? because a band of speculative politicians, the Midases of modern times, who wish to convert every thing they touch into gold; who seem to care but little what experiments they try with the prosperity of the country, provided they can gain a petty triumph, by effecting a reduction in the price of their favourite metals, or diminishing by a few groats or stivers, the rate of our exchange; who, contrary to the evidence that was brought before them, and in opposition to the knowledge, and to the conviction of so large a proportion of their fellow subjects, ventured to report to this House, some months ago, that our currency was depreciated, and still persist in maintaining so groundless an assertion. But how does it appear that our currency is depreciated? Is it not received as value in all pecuniary transactions? Will it not procure every necessary, every comfort, and every luxury, of life? With a sufficient quantity of the notes of the Bank of England, cannot the holder of them purchase the most magnificent mansion house that can be erected, with all its furniture and decorations? Or will they not be received in exchange, for the finest, the largest and the best conditioned estate that the kingdom boasts of? And yet our currency is depreciated. Whence can have originated this perversion in the ideas of these modern Midases? With what delight would the Phrygian sage have witnessed the deliberations of the Bullion Committee! His spirit must have inspired some of the weightiest and profoundest paragraphs in their massy Report. I wish most sincerely, that a dip in the Thames, the Tweed, or the Shannon, would prove as effectual a remedy for their metallic phrenzies, as Midas found was the case, when he was fortunately immersed in the waters of the Pactolus. I hope, at any rate, that we shall soon see an end put to these Phrygian doctrines, and to the Midassian system of the Committee.

Having endeavoured to describe the state of this country, where a paper currency is fortunately established, on principles amply sufficient to guarantee its stability, let us next proceed to consider the situation of other countries, where a different system prevails, and where the precious metals are the only medium of circulation. I shall state the case as it is given us by Dupont, in his Report on the Bank of France, whose authority will not be objected to by gentlemen on the other side of the House, as he is an advocate for a paper currency convertible into coin. He says, "in the Indies the quantity of gold and silver is enormous, and yet is always insufficient. Europe and America are constantly sending the precious metals there, but they never can get enough of them. The interest of money is very high, because it is necessary to produce, and often to advance the metals in payment. They hardly ever admit of promises or engagements to pay, placing no reliance on them. The working people are very poor, and the rich are at the same time wicked and powerful."

Let us proceed briefly to analyze this statement: "In the Indies, the quantity of the precious metals is enormous, and though Europe and America are constantly adding to the supply, yet they (the natives of India) can never get enough of them."—The circulation of the country, therefore, cannot be increased according to the increasing demand for it, an advantage which paper, when properly regulated, possesses in an eminent degree, and by means of which, a country, being independent of foreign nations for its medium of circulation, can increase or diminish it as its interests may require.

"The interest of money is high."—What a misfortune! What a bar to national prosperity! Interest in the Indies is said to be 1 per cent. per month, or 12 per cent. per annum. I should be glad to know what the middling classes of the community, the farmer, the tradesman, the shopkeeper, and other industrious descriptions of persons, would say, if they were to be charged 12 per cent. as interest. They could not carry on their business, without demanding such enormous additional prices for their commodities, compared to the quantity of currency in circulation, as would in a great measure prevent the sale of them.

"The working people are very poor."—No wonder: for wages in the East Indies are only at the rate of 2½*d.* per day. Permit me to ask, how the industrious classes of the community, in this country, could bear such a reduction in their wages, and whether such a fall in the price of labour is at all calculated for the meridian of England? We are told indeed, that when this mighty project is completed, 2½*d.* in coin, may go as far as 2*s.* 6*d.* in paper. Any great alteration in the value or amount of our currency, however, could not be effected without a convulsion. What is to become of the merchant, the manufacturer, the landlord, the farmer, the tradesmen of every description, whilst this great and momentous operation is going forward? What, in the interim, is to become of the revenue? What of the payment of the interest of the national debt? What of the Sinking Fund, that palladium of our national prosperity? What of the charges of our fleet? What of the maintenance of our army? And what of all the other innumerable articles of expence incident to the situation and circumstances of a great empire? I repeat it again, that any great reduction in the price of goods, or any important alteration in the value of our currency, could not be effected, without a complete convulsion. The enemy know this well, and do every thing in their power to drive us down that precipice, which it would never again be in our power to remount.

"The rich are wicked and powerful."—Dealing in usury, they are of course wicked, (for nothing is more apt to degrade the character of a man), and by engrossing all the wealth of the country, they are enabled to trample on the rest of the community, and to render the inferior classes truly miserable.

Such is the situation of extensive countries, where the precious metals are the sole medium of circulation; and such is the state to which the doctrines of the Bullion Committee, if they were to be adopted, would inevitably reduce this flourishing and happy nation.

Let us next proceed to compare our paper currency with that of other countries; for instance, those of America and of France, which were first depreciated, and afterwards totally failed, such failures being held forth as grounds of terror and alarm, in regard to the solidity of our medium of circulation. The following contrast will sufficiently explain the difference.

American and French Currency compared with British Currency.

The paper currency of America, and the assignats of France, were issued by these revolutionary governments without any controul whatsoever, as the only means by which they could be enabled to carry on the contests in which they were respectively engaged.——The paper currency of England is not issued by the government of the country, but by corporate bodies, or partnerships of individuals, responsible for their conduct and their engagements, and the amount of their issues is subject to the controul of parliament.

The paper currencies of America and of France, were issued without bounds, and without adequate funds having been provided for their liquidation, or their returning again to the coffers whence they were originally issued.——The paper currency of England is never issued, but in exchange for national or individual securities previously deposited, and the notes thus issued necessarily return, at no great distance of time, to the coffers whence they were issued, for the redemption of those securities.

The paper currencies of America and of France were issued to such excess, that it became necessary to compel the people to take them in payment of those articles which these governments required. Hence their depreciation originated, and their ultimate annihilation.——The paper currency of England has never been excessive, and has never been forced into circulation, nor can it exceed its due bounds, whilst it is issued on securities of a temporary nature, and is founded on real transactions.

Thus it appears, that

The one was forced.——The other is free.

The one was founded on security.——The other is only given for real value, or solid securities adequate to the repayment.

The one was perpetually increasing, until its value was extinguished.——The other increases only in proportion to the growing prosperity of the country, and the demand which thence originates.

Let us now proceed to consider the advantages of an abundant circulation, of which some individuals do not seem to be aware.

The first advantage is, that a merchant or a manufacturer, instead of being obliged to keep a large proportion of his capital uselessly by him, to answer any unforeseen emergency, can employ his whole capital in carrying on his business, being certain, when the circulation is abundant, that he can always raise any sum he may require, by discounting the bills he receives in the course of his business. He is thus enabled to trade with less profit, dealing to a greater extent, and to undersell all other countries where a different system prevails.

Another great advantage of an abundant circulation is, that the interest of money is reduced. If the interest of money were at the rate of 12 per cent. per ann., as, it has been already observed, is the case in some parts of the East Indies, how could our agriculture, our commerce, or our manufactures go on, loaded with such a burden? Whereas by having the easy command of money, at a moderate rate, a country is enabled to prosper.

Another great advantage of an abundant

circulation is, that a considerable proportion of the capital of a country, beyond what temporary securities will absorb, may be obtained, to carry on lasting improvements, as canals, harbours, and the like, sinking the capital, the capitalist being satisfied with receiving a certain moderate interest. Indeed such is the abundance of capital at present in this country, ready to be applied to such purposes, that, in the course of this session, applications have been made to parliament, for laying out several millions, under the direction of only one engineer (Mr. Rennie), and if the spirit were properly encouraged, the whole country might be made a garden.

But the great advantage of an abundant circulation, consisting of a paper currency properly regulated, is this, that a great quantity of property, that would otherwise lie dead and inert, is vivified and put in motion. I sell 500 quarters of barley, or 500 tod of wool; instead of waiting three months for payment, I can immediately convert the value into cash, and carry on my improvements. When circulation is scarce, and interest high, nobody purchases any article, unless it is immediately required for his own consumption, or when he has the prospect of making great profit by the re-sale; whereas, if circulation abounds, and the interest of money is low, articles are bought, though not immediately in demand, with the prospect of ultimately receiving only a moderate profit.

We are next told, that our paper circulation has exceeded all proper bounds, and that its value is depreciated. Such ideas however have no just foundation.

In regard to excess, there are two tests by which the proper quantity of a circulating medium may be estimated. The first is, that it passes as value in all pecuniary transactions; and the second, that it is received at the exchequer in payment of taxes, for the treasury would be ruined, if it accepted depreciated paper.

There can be no excess in any currency that can stand the test of these two criterions.

As to depreciation,* our paper currency has fortunately stood all the attacks which have hitherto been made upon it, and from the solidity of the principles on which it is founded, it must continue to do so. For fourteen years past it has been received both by public and private creditors in payment of the sums due to them, whether principal or interest; and though the price of some articles has risen since the year 1799, yet in other cases,† (as will be seen in the statement of the prices current in London, of various articles, authenticated by Mr. Irving, Inspector General of the exports and imports), they have been reduced. As to the idea that public and private creditors must take Bank Notes, because they can get nothing else, and consequently that is no proof of their being accredited, it is to be observed, that the case is otherwise in regard to a very intelligent and respectable description of persons, namely, the merchants of the city of London, who, when they have bills on the payment of which they can depend, will voluntarily go to the Bank of England, and will exchange these good bills, for the notes of the Bank, and will actually give a premium, under the name of discount, for the use of those notes. If our currency were in fact depreciated, could that possibly take place?

We are also alarmed with the idea, that we shall be overwhelmed by our increasing debts and expences. A few plain facts, however, will put an end to all such groundless apprehensions. Let us first consider the small addition annually made to our debt, in consequence of the great effects which our sinking fund already produces, and the productiveness of our war taxes, which renders less borrowing necessary. It appears from a document laid on the table of the House, that the funded debt on the 1st of February, 1811. amounted to 545,662,698*l.* and on the 1st of February, 1807, came to 533,076,124*l.*, so that in the space of four years we have added to our funded debt a sum of only 12,586,574*l.* If it is contended that our unfunded debt ought also to be taken into consideration, the increase may be thus stated. On the 1st February, 1807, the amount of the unfunded debt was 34,348.391*l.*; on the 1st February last, it came to 46,971,580*l.* making a difference of 12,623,188*l.* Adding the funded and unfunded debt together, the total increase, in four years, is only 25,209,762*l.* a sum often exceeded by the expences of one year's war, according to the former system. Taking the four years into calculation, the total is only at the rate of 6,302,440*l.* being an addition so trifling, that it can never be attended with any injurious consequences to the country.

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* If the Committee mean, by contending that our currency is depreciated, that it is not appreciated, I deny it *in toto;* if they mean, on the other hand, that the same quantity of circulating medium will not purchase, in several cases, the same quantity of goods, where the demand is great, and the supply deficient, as it would do some years ago, that must happen in such a period as fourteen years, if the nation be prosperous, whatever was the currency.

† It appears from Mr. Irving's statement, that among forty-six different articles, eighteen have fallen in price since the year 1799: among these are, coffee, West Indian wool, currants, Spanish Indigo, British iron, Russian and Swedish iron, Nankeens, ordinary olive oil, pepper, saltpetre, sugar, tobacco, &c. This could not have happened with a depreciated currency.

In regard to our expences, independent of debt, in 1801, they amounted to 36,124,783*l.*, and last year to 49,947,631*l.* making an addition at the rate of 13,822,848*l.* in all, or 1,256,662*l.* per ann. but if the average of four years is preferred, it appears that in the year 1807-8, our expences were 39,936,855*l.*, and 1810-11, 49,947,631*l.*, the difference is 10,010,776*l.* or at the rate of 2,502,694*l.* Are these any grounds of alarm? If we add to our national debt only at the rate of 6,302,440*l.* and to our national expences only 2,502,694*l.*, per annum, with the interest of annual loans to the amount of 6,302,440*l.* is it possible to fix a definite period at which our resources will be exhausted, unless indeed the doctrines of the Bullion Committee were to be carried into effect?

It was well observed, by Frederick the Great of Prussia, how fortunate a circumstance it was, that the abstract reasonings of metaphysicians, had no effect upon the price of the quartern loaf; and it is equally fortunate, that the sophistry of speculative politicians, has had but little influence on the credit of our currency, the real foundation of our national prosperity and strength.

I shall conclude with remarking, that there are some points so closely connected with the safety and existence of a great country, that they ought not to be rashly tampered with, nor brought under discussion, without the most urgent necessity. I particularly allude to its established religion and to its established government: and after these, in point of importance, I consider that species of currency which is found to be the best suited to the circumstances of a nation. Religion, constitution and currency, are in fact the three links which bind together the members of a great community. Destroy any one of them, and you ruin the whole. In regard to our currency, a system has now existed, without interruption, for fourteen years, during which period, its effects must have decidedly proved themselves, in such times as these, either useful or injurious; the advantages, however, I trust, have been incontrovertibly established. The maintenance of that currency, therefore, I am fully convinced, is of such essential consequence, more especially during the continuance of the present eventful war, that on the decision of this night, and on our reprobating the doctrines of the Bullion Committee in the manner which they deserve, must depend, the future prosperity, or the entire ruin, of this great and powerful empire.

Mr. *Whitbread*, in allusion to former opinions of sir J. Sinclair's upon this subject, said, that although the right hon. bart. had changed his mind upon the question of currency, he had no right to suppose that others had done the same upon other subjects. The right hon. bart. had changed his mind just in time to be made a Privy Counsellor. (No! from the opposite side.) Well, it was not just then, if the hon. bart. would have it so; but it was just then that the right hon. bart. had signified his determination to publish a pamphlet on the question, and that pamphlet on the side of government. It was, however, not fair to impute to him (Mr. Whitbread,) any of the versatility which the right hon. bart. might feel. As to the opinion which he (Mr, Whitbread), had delivered with respect to the campaign in Portugal, he had spoken from all that he was allowed to know. But when more ample information came, and lord Wellington's plan was developed, there was not any person in that House who was more willing to give that officer full and ready praise.

Mr. *Manning* defended the conduct of the directors of the Bank of England, and denied that the Bank had any interest distinct from that of the public. In speaking from himself, which he had done in all that he had said upon this subject, and not as a person commissioned to state to that House the sentiments of the Bank, he was free to say that his situation as a director derived to him no advantage whatever, save what flowed to him, in the channel of the public interests. He was no farther a stockholder than as holding that portion of stock which was necessary for him to qualify himself for his situation as Bank director, and he had no connexion with the stocks but as a Bank director. In order to shew the fallacy of the arguments which had been resorted to, to prove the depreciation of the paper currency from the high price of guineas, he stated that there was a Dutch gold coin, called the Ruyder, which was worth fourteen guilders, but which, by the laws of Holland, was not exportable. It was well known that a piece of bullion of equal weight and fineness, would in Holland sell for 12 per cent. more than the Ruyder, because the Ruyder was not exportable. He repeated his vindication of the Bank, and contended that their paper issue was not regulated with a view to the raising of any excessive or unreasonable profits.

Mr. *Huskisson* rose merely to make one or two observations upon what had fallen from the right hon. bart. and the hon. gent. who had just sat down. He apprehended that the right hon. bart. had in his zeal for the paper cause let out considerably more than the advocates of paper could wish to have disclosed. He seemed not only to deny the evils of an excessive paper issue, but to hail it as another and most promising system of finance; and that, as for the vulgar prejudices in favour of gold and silver, they ought to be at once exploded or left merely to those modern Midasses who would ruin the country in the fury of their speculations; this glorious paper system was to rescue us from all the horrors of gold and silver which the right hon. bart. had proved by a quotation from a French pamphlet must inevitably make "the poor miserable and the rich wicked and powerful." With respect to the Dutch coin mentioned by the hon. gent. the Ruyder, he believed it was the oldest coin in Holland. It was certainly prohibited from exportation by one of those absurd laws which were allowed to continue in many countries without one reason to warrant the continuance of their operation. But the instance put by the hon. gent. could not apply unless he was prepared to state that the Ruyder had not become deteriorated. It was rectainly a very old coin; and the coin to which the Dutch directed their attention chiefly was the ducat, which was exportable, so that the probability was, that the Ruyder had become deteriorated. With regard to the third Resolution, he wished to know from the right hon. gent. the meaning of the word "equivalent" in that Resolution; was it that the denominations were the same, of this there could be no question; was it that their intrinsic value was the same, or was it that they had the same exchangeable value? Were the two commodities interchangeable? No; then, what was the meaning of "equivalent?" Standard was the measure of equivalency. If the assay-master, the favourite witness, Mr. Merle, was called and asked as to this point, he (Mr. Huskisson) should wish to put him two questions only;—first, "Are the dollars and the crown-pieces equivalent?" and this he would certainly answer, no. The second question would be—by what process can you make them equivalent? the only reply he could give to this, would be, perhaps, a laugh—because the thing was impossible—they could not be made equivalent.—It was absurd to talk of a standard when it could be traced only to a penal law. An equivalent in such a case could only be compared to the story of the scholars, who, complaining of the diminution of their commons, were desired to get a pair of magnifying glasses, through which to view their allowance. Such was the case with the dollars: gentlemen had only to view them through a different medium, and they would perceive them to be larger one day than they had been on the preceding day.

Mr. *Manning* explained, that the proclamation as to the rise in the value of dollars would put the Bank to a loss of 6*d.* upon every dollar then in circulation, amounting to several millions in number—a sacrifice of no trifling amount, for the convenience of the public. The Bank was not desirous of continuing those issues; but, on the contrary, would be anxious to withdraw from them whenever the executive government found itself enabled to dispense with the Bank's services. He regretted that the Resolution as to the rise in the dollars had not originated in that House. To theBank it would prove a loss of 50, 000*l.* or 60,000*l.*

Mr. *S. Thornton* stated that within these two days a banker had put into his hands 500 guineas in gold, requesting to have in exchange for them, from the Bank, tokens to the amount, at the rate of 5*s.* 6*d.* each; and a similar application had been made a few days before for an exchange as between guineas and tokens, to the amount of 300*l.* This was better than any reasoning as to what their value could be supposed to be.

Mr. *Wilberforce* was satisfied the effect of the present discussion would be gradually to lead to true and just principles on the subject; and he was also satisfied that those would be found to be the best friends to the country who advised, that even in a state of prosperity, the present system should not be pushed too far.

Mr. *A. Baring* was of opinion, that it would be most desirable, whenever it could be safely done, to revert to the old practice; but did not think that this country was in any immediate danger from a depreciated silver currency, after having so long gone on with debased shillings and sixpences manufactured by France at one half what they were current for here. As to the Amendment, no doubt could be entertained as to what was meant by it; but it was objectionable, as proceeding upon a principle at present impracticable. The operations of the nation could not be carried on if the circulation were to be much diminished. When in 1797, the Bank drew in its issues, the loan of four millions was raised at a benefit of 8 per cent. to the contractors, whereas the loan of last year was obtained at nearly the price of the funds in which it was borrowed. The ill consequences of such a diminution of the currency would be felt by the public, who were borrowing constantly by anticipation; but it behoved that House to guard the public interests from the injury they would thereby sustain. If any individual in his private concerns should feel apprehensive of a storm, he would take care, by contracting his out-goings, to be prepared to meet it. That House was bound to take the same course with respect to the affairs of the public, and to prepare the vessel to ride out the tempest by taking in the light sails, and putting her in a proper trim to encounter the storm. He was not a little surprised to hear the sentiments of the hon. member who had quoted the authority of Locke and Newton upon this subject; though he could not wonder at such authorities being referred to, when an hon. member last night even quoted the authority of Moses. He had never said that the system originated with Mr. Pitt. Whatever might be thought of it, no man could speak disrespectfully of a system which had enabled the country to maintain an expensive war for so long a period. No gentleman, who looked at the situation of the country, could think it expedient now to return to cash payments; and it must be clear to any one, who bore in mind what had taken place since the Bank Restriction act, that at no period since that time was it more impracticable to return to cash payments than at present.

The House then divided:

For the Resolution	76
For the Amendment	24
Majority in favour of the Resolution	52

Mr. *Horner* then proposed his several Amendments to the Resolutions of Mr. Vansittart, not with the view to any discussion, but that they might be entered on the Journals.

Mr. *Vansittart* denied the facts asserted in Mr. Horner's Amendments.

Mr. *Horner* was content that the matter should now rest on their counter assertions, which would thus appear opposed to each other on the Journals.

Mr. Horner's Amendments to the several Resolutions were then put and negatived. The following is a Copy of them:

Amendments proposed by F. Horner, Esq. on the Resolutions respecting Money, Bullion, and Exchanges, and negatived, on the 15th of May 1811.

AMENDMENT to RESOLUTION IV.—See p. 70.

"That, prior to the restriction of cash payments, the exchanges were never more unfavourable to Great Britain, for any length of time, than from 5 to 7 per cent. below par, the depression appearing to have never exceeded the whole expence of transmitting specie abroad; except during a debasement of the coins of the realm.

"That, prior to the said restriction, the market-price of standard gold in bars never rose above the mint price more than 1½ per cent. and that only for a very short interval; except in 1720, the year of the famous South Sea Scheme, when it rose to 4*l.* 1*s.* 6*d.* per ounce; and during the periods when the coins of the realm have been debased.

"That, in periods subsequent to the said restriction, and particularly of late years, the exchanges have been unfavourable to Great Britain much below the limit marked by the whole cost of transmitting specie abroad, and have continued so for a considerable time together, being at present, and having been for a considerable time, more than 25 per cent. below par; and in the same manner the market price of standard gold in bars has been, and still is, more than 25 (20) per cent. above the Mint price.

AMENDMENT to RESOLUTION V.—See p. 70.

"That, during the wars carried on by ing William 3, the exchanges did fall below the limit fixed by the expense of ransmitting specie, and the price of gold bullion did rise very considerably, viz. during the debased state of the silver coin of the realm; but, immediately after the reformation of the coin, the market price of gold fell to the Mint price, and the exchanges rose nearly to par, *although the circumstances of the war and the foreign expenditure continued unaltered.*

"That, between the reformation of the coin in the reign of king William, and the th year of the reign of king George the 1st, the guinea passed by law for 22*s.*; during which period, therefore, the Mint price of gold was 4*l.* 1*s.* 7*d.*

"That, during the seven years war, and until the year 1774, the gold coin of the realm was in a state of debasement.

"That the price of standard gold in bars never exceeded the Mint price, in any one year of the American war.

"That the exchange with Hamburgh, which had been rather unfavourable to this country, during part of the year 1795, ceased to be so in March 1796, became more favourable in the month of October, and continued favourable till the 26th of February 1797, when the restriction took place, and for some time afterwards.

"That there was no rise in the price of standard gold in bars immediately prior to the 26th of February 1797, nor for a considerable number of years before.

"*That the state of the exchanges, and of the price of bullion, for two years previous to the peace of Amiens, was subsequent to the said restriction.*

AMENDMENT to RESOLUTION VI.
See p. 70.

"*That, taking the issues of Bank-notes in circulation, not at their amount on a particular day, but on a fair average antecedent to any alteration of the exchanges and price of bullion, it does not appear, from the information which has been procured, that the price of gold has been highest, and the exchanges most unfavourable, when the issues of Bank-notes had been considerably diminished, and have been restored to their ordinary rates subsequently to those issues being increased.*

"*That, since the said restriction, the price of bullion has been highest, and the exchanges have been most unfavourable, at times subsequent to the periods in which the issues of Bank-notes have most increased.*

AMENDMENT to RESOLUTION VII.
See p. 71.

"That, with regard to the period of 75 years ending with the 1st of January 1796, from the year 1721 to 1758, the market price of gold never at any one time exceeded the mint price by more than 1*s.* 2½*d.* per ounce, *and seldom by more than half that sum; from 1758 to the recoinage of the gold in 1773, the market price of standard gold, in bars. was always above the mint price, and sometimes exceeded it by as much as 3s. 6d. per ounce, being* (except during) the period during which the coins were in a debased state; *from the recoinage in 1773 to the 25th of Feb. 1797, the date of the restriction, the market price of standard gold in bars never exceeded the Mint price, except for part of the years 1783 and 1784, when it rose 1½d. above the mint price;* since the year 1804, the price of standard gold in bars has been always very considerably above the mint price, and from the end of the year 1808 to the present time, has been progressively rising, with occasional fluctuations, till it has been as high as the unprecedented price of 4*l.* 18*s.* (4*l.* 14*s.*) per ounce, as appears from Wetenhall's tables.

AMENDMENT to RESOLUTION VIII.
See p. 71.

"That, taking the average of Bank-notes in circulation, in the years 1782 and 1783, from their amount in the beginning of the months of January, March, June, October, and December, in each year, and that of 1784, from their amount in the beginning of the months of March, June, October, and December (which are the returns before the House), it appears as follows:

1782 - -	7,599,570*l.*
1783 - -	6,583,560*l.*
1784 - -	6,209,855*l.*

"That the exchanges with Hamburgh, and the price of foreign gold, during the same periods, were as follows:

1782.	Exch.	for G.
January -	31. 9.	£.3 18 6
March - -	32. 10.	- 3 19 0
June - -	32. 7.	- 3 19 6
October -	32. 3.	- 4 2 0
December	31. 10.	- 4 0 1
1783.	**Exch.**	**for G.**
January -	32. 7.	£.4 1 0
March - -	32. 5.	- 3 19 0

June - -	31.5.	- 4 2 3
October . -	32.7.	- 3 19 6
December	32.8.	- 3 19 6
1784.	Exch.	for G.
January		
March - -	33.9.	£.3 18 0
June - -	34.4.	- 3 17 $10\frac{1}{2}$
October -	34.7.	- 3 17 $10\frac{1}{2}$
December	34.10.	- 3 17 $10\frac{1}{2}$

"That the exchange with Hamburgh between the end of December 1784, and the 25th of February 1787, fell from 35.6 to 34.6.

AMENDMENT to RESOLUTION IX.
See p. 71.

"That of the sum of 10,704,000*l.* stated to have been coined in gold from February 1787 to February 1791, the sum of 8,084,982*l.* was a recoinage from the light guineas of the realm.

AMENDMENT TO RESOLUTION X.
See p. 71.

"That the average amount of Bank-notes in circulation during the months of January and February 1795, was 12,452,451*l.* and the average amount from the 1st of January to 25th of February 1797, was 9,566,430*l.*; making a difference of 2,886,021*l.*

"That this reduction in the amount of Bank-notes was principally effected between the middle of the month of May 1796, and the 25th of February 1797.

"That the exchange with Hamburgh fell from 36 to 32. 4 (its lowest depression during the period in question) between the 3d of February and the 4th of August 1795, during which time the average amount of Bank-notes in circulation was 11,464,143*l.* having been occasionally during the time as high as 14,071,850*l.* and even 14,876,580*l.*

"That between the 4th of August 1795, and the 1st of January 1796, the exchange with Hamburgh rose from 32. 4 to 32. 7 during which period the average amount of Bank-notes in circulation was 11,415,653*l.*; and, from the 1st of January to the 3d of June 1796, the exchange with Hamburgh rose from 32. 7 to 34, during which period the average amount of notes was 10,874,316*l.*

"That from the 3d of June 1796 to the 25th of February 1797, during which period the amount of Bank-notes was gradually reduced to the sum of 8,640,250*l.* the exchange with Hamburgh rose to 35; and in the few months following the last reduction, rose gradually to 38.

AMENDMENT to RESOLUTION XIV.
See p. 73.

"That the average amount of Bank-notes in circulation, of five pounds and upwards, for three years, ending the 5th of January 1797, *was* 10,782,780*l.*; *and for the years* 1808, 1809, *and* 1810, *was* 14,265,850*l.*

"That the average amount of notes for five pounds and upwards, in the year 1796, *was* 10,240,125*l.*; *and in* 1810, *was* 15,421,310*l.**

Mr. *Tierney* then proposed his Amendment, as an addition to the Sixteenth Resolution; but this addition was also negatived.

The whole of Mr. Vansittart's Resolutions were then put and agreed to, after which the House adjourned.

HOUSE OF COMMONS.

Thursday, May 16.

GRAND JUNCTION CANAL WATERWORKS.] Sir John Cox Hippisley moved the further consideration of the Report of the above Bill, which was opposed by sir W. Curtis, and sir J. Anstruther, who moved that it be postponed to this day three months. After a further conversation, in the course of which Mr. Simeon and Mr. Shaw Lefevre spoke against the original motion, and Mr. Pole Carew in support of it, a question arose as to the propriety of disallowing the votes of members, personally interested; upon which the Speaker rose and referred to two cases, one in 1800, and an antecedent one in 1797, when this description of votes had been rejected.

Mr. *Ward* said he would not vote on this question after what had fallen from the Speaker, but expressed a wish that the point should be clearly decided.

Sir *J. Newport* observed, that such a principle might be extended to any length, and quoted the instances of questions connected with the public funds, the encouragement of corn, &c. Those who had an interest in opposing, by the same rule, ought to be excluded.

Mr. *Huskisson* thought there was no danger to be apprehended on that head. No question could arise on the validity of any member's vote, except upon a particular challenge, of the justice of which the House must finally determine. The rule laid down by the Speaker had been applied in 1797, with respect to the Loyalty Loan: he had himself then been challenged, and justified by disclaiming the possession of any personal interest.

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* *N.B.* The passages omitted when the Amendments were moved by Mr. Horner, on the Report of the Resolutions, on the 15th of May, are printed in italics, and the words then inserted are printed between brackets.

Mr. *Fuller* assured the hon. member (Mr. P. Carew) that if he should vote on the question, he would challenge his vote.

The House then divided,

For the original Motion........	63
Against it........................	30
Majority......................	—33

IRISH BREWERS — PETITION RELATING TO THE DUTIES ON SPIRITS.] Mr. *Grattan* moved, That the Petition from the Irish Brewers, praying that the Duty of *2s. 6d.* upon Spirits be restored to the former rate of *5s. 8d.* per gallon, be referred to the Committee of the whole House. He read extracts from several papers, to prove the growing dissoluteness in the manners of the lower orders, in consequence of the cheapness of ardent spirits. He contended also that the tax had failed in point of revenue.

Mr. *Shaw* (of Dublin) seconded the motion, he said that of the existence of the evils complained of by the Petitioners there could be no reasonable doubt, and when they considered what must be the inevitable consequences of not timely remedying those evils, and also how fatal their longer continuance must be to a trade of such weight and extent as that of the Brewers, it really appeared to him as if the present question was in effect, whether it was for the interests of Ireland that the Breweries in that country should be allowed by the legislature to exist at all? It ought surely to be a principle in the imposing of taxes, that as far as it could possibly be done, we should avoid injuring the morals of the people. Indeed, in his view of the question, he thought that morals should never be sacrificed to revenue. Since the great reduction of the duties on spirits distilled in Ireland, he believed there was no gentleman who had been for any time in that country since that period, who must not have been sensibly struck with the rapid and lamented change in the general habits and morals of the lower orders of the people. He spoke from his knowledge, when he said that that change had been felt among the lower orders of the city of Dublin, to an extent that would of itself be sufficient to awaken the attention of parliament to this very important question. And here he could not help saying, that even if the reduction of this tax had had no injurious effect upon the revenue, still we should pause before we made the vices and dissolute habits of the people a source of public revenue. But to try it upon its own ground, the right hon. gent. (Mr. Foster) said, that he reduced the duty in order to suppress illicit distillation. (Hear! from Mr. Foster.) He put it to the candour of the right hon. gent. to say, whether it had any such effect? Did not the right hon. gent., in introducing this measure to the House, frankly avow that he made it as a mere experiment to suppress illicit distillation (Here Mr. Foster signified his assent); and had not that experiment totally failed? And after it had failed, would the right hon. gent. blindly go on in adhering to a plan which had not only failed of its professed object, but had proved equally injurious to the morals and revenue of the country? (Hear, hear.) If, however, the right hon. gent. would persist, he (Mr. Shaw) would not go along with him, believing, as he did, that by resorting to a system of equitable taxation, fairly apportioned between the two trades that deserved of that House every encouragement—he meant the brewer and the distiller, there might be raised upon both, without oppressing either, such a revenue as might fully answer the supplies of the country, without resorting to any further local taxation whatever. This, however, he might say as to the principle he had been recommending, that it had received every sanction from the right hon. the Chancellor of the Exchequer for England, who had laid it down as a great rule for imposing taxes of this kind, that the morals of the people constituted the first consideration; this he had said the day before yesterday, and he trusted it had the due impression upon the finance minister for Ireland.—With respect to the merits of the question, whether the reduction had or had not been productive of the mischiefs attributed to it, and whether it had or had not altogether failed, were questions which he should leave to be decided by the testimony of those facts which were already authenticated upon the table of the House. The first fact, as to the failure of the experiment, was, that no stills had taken out licences in the district where illicit distillation was known to abound, and that little or no spirits had been transmitted into those districts from the licensed distilleries in the other parts of the country. The other statement went to prove the alarming increase of disease, owing to the intemperate use of ardent spirits in consequence of its cheapness. Here Mr. Shaw read the monthly reports of various Hospitals in Dublin, and other parts of Ireland, where it appeared that the increase of the numbers of sick admitted, and the number of deaths in consequence of excessive intoxication, had gone on in such a progressive state of increase, that the number of sick had doubled, and that of the deaths had trebled, within a very limited period. Upon the whole, as the reduction had not, nor in his opinion could not, do what it professed to do,—but as it had already done much to impair the revenue of Ireland, to injure the health and vitiate the morals of the Irish people, the motion for sending it to a Committee should have his cordial support.

Mr. *Foster* agreed in the practice of the principle laid down by both the hon. gentlemen who preceded him. He should be ashamed to hold his office one hour for the purpose of raising a revenue at the expence of the morals of the Irish people. The hon. gentleman who spoke last had said, that the reduction was a mere experiment to put down illicit distillation. Certainly that had been its principal object—and an object in the endeavour to effect which he had all those gentlemen with him. Illicit distillation was the great evil, and the higher the duty on the spirits, the greater the premium to the illicit distiller. He had proposed a penalty on the town lands where illicit stills were found, and this mode might have at least put them down, if it had not been for that most unfortunate measure of prohibiting the distillation in Ireland. But the hon. gent. had contended that the reduction had totally failed in suppressing illicit distillation. In answer to this, he should merely read the returns of the Revenue Officers for the quarter ending December 25, 1810. The amount of seizures were as follows: 572 stills, 378 kegs, 344 worms, 5,362 utensils, 2,800 gallons of spirits, and 150,000 gallons of potale. He denied also that the spirits were at the present so much cheaper, as had been asserted—in 1804 the spirits were 7*s.* 7*d.* a gallon; in 1805, 6, and 7, about 7*s.* 8*d.*; in 1810, 8*s.* 7*d.*; and in 1811, 8*s.* 6*d.* a gallon. After some further remarks, he said he should not, however, object to the Committee.

Sir *H. Montgomery* spoke in favour of a Committee up stairs.

Sir *J. Newport* said, that nothing like false shame should ever keep him from retracting an opinion, when he was convinced it was unfounded. The reason which had induced him to vote against the fines on town lands was, that they had increased to such an extent as to produce a sort of conviction that they could not be levied. He alluded in particular to the county of Cavan. But the great question was, whether or not the low price of spirits had increased the drunkenness and immorality of the people of Ireland; and that this was the case, he would venture to say, would be unanimously declared by those gentlemen who had resided during the last year in Ireland. The drunkenness had increased to such a degree, that no workman would work more than two days in the week. A man could get completely drunk for 4*d.* This was destructive of all good order, and the consequence would be, that a military force would be necessary to controul the excesses. The legislature could not be tied up by the licences to distillers. The people were their first care, and the revenue the second.

Mr. *W. Tailor* thought it would be impossible to raise the duty on spirits either in Ireland or in the western parts of Scotland, without injuring the revenue; and opposed the going into the Committee.

Mr. *Hutchinson* said, that all the great brewers in Ireland had signed the Petition, and therefore it was not to be considered as the Petition of a few individuals, but as the representatives of the whole body. The right hon. gent. had said the prices of spirits were not greater now than in 1807; but he would ask him if the brewer retained the same situation that he then held? While the duty on spirits had been lowered from 4*s.* to 2*s.* 6*d.* was any compensation made to the brewer? What he blamed that right hon. gent. most for was, that, against his own judgment and experience, he had consented to the abolition of fines, and to a total change, in consequence of the distillery system. When it could be proved in the Committee that the cause of the late idleness, drunkenness and immorality, was exclusively to be ascribed to the lowering of the duty on spirits, and that its consequence was also to double the number of patients in the hospitals, and treble the number of deaths, he hoped that no member of the House would wish that this abominable system should be continued one day longer.

Mr. *Grattan* asked the right hon. gent. whether he consented to a Committee.

Mr. *Foster* said he had no objection to a Select Committee.

The *Chancellor of the Exchequer* thought it unfair to ascribe the increased immorality to the reduction of the duty on spirits, if spirits were not lower now than in 1807. It was much more natural to ascribe it to the great reduction of the price which took place on the prohibition to distil being removed. With respect to the hospitals, he had been informed that in consequence of several important improvements which had been made in them, the aversion of the people to them had been in a great measure removed, and the patients consequently increased.

Lord *Castlereagh* thought that no revenue consideration ought to interfere with the morals of the people. It was certainly the prevailing opinion in Ireland, that the low duties on spirits had occasioned the late increase of drunkenness. Spirits ought to be discouraged, and malt liquor encouraged, and the people of Ireland were beginning to habituate themselves to the latter. There was a time perhaps when spirits might be more suitable to the people of Ireland than malt liquor, but now, when they were better clothed, lodged and fed, they did not require spirits to warm them.

The motion was then agreed to, and a Committee appointed.

IRISH NEWSPAPERS.] Mr. *Shaw* rose and spoke to the following effect: Sir; In pursuance of a notice I gave some days ago, I beg to call the attention of the House to the Petition of the Proprietors of Newspapers in Ireland. [See vol. 19, p. 1012.] The object of that Petition is to solicit the repeal of the additional duty upon Advertisements laid upon them in the course of the last session; and I particularly request the attention of the right hon. gent. opposite (Mr. Foster) and the indulgence of the House, while I state a few but strong facts upon which the Petitioners claim is founded. The tax complained of went at once to affect all Advertisements in proportion to their extent, and the result of a year's experience has proved beyond contradiction, that this tax is not only oppressive to the Petitioners, but unproductive to the state, and therefore the complaints urged against it resolve themselves into these two strong objections.—The additional duty commenced the 16th of July last, and the produce of the tax on Newspapers for three months previous to the laying on of the duty was increased to 4,159*l.* 15*s.* and the produce of it for three months subsequent to the increase, was 4,930*l.* being an apparent increase of 770*l.* but that increase is accounted for by the subsequent establishment of two new daily papers, and a weekly paper, and the amount of the duty upon these papers was 1,000*l.* 16*s.* 4*d.*; if therefore this sum paid by the newly established papers be deducted, it will leave only a sum of 3,930*l.*; and this is a convincing proof the tax has been unproductive, as it appears that for three months before the duty was doubled, the sum paid was absolutely more by about 130*l.* than it was for the three months after the increase had taken place, deducting the amount paid by the newly set up papers I have already mentioned.

Besides this, Mr. Speaker, there is no inconsiderable amount to be deducted for duty on government Proclamations, the charge upon which produces no additional duty to the revenue, and it was from these chiefly that the duty on the newspapers was derived. With regard to the oppression of the tax, the right hon. gent. stated when he introduced the measure, that his object was to make the duty upon advertisements in Ireland amount to two-thirds of the duty in England; but how much more oppressive it has been there than such a ratio would warrant must be evident, when I state that for every advertisement exceeding ten lines, the Irish duty exceeds the English in a progressive increase, so that the Irish law imposes a duty upon advertisements of 300 lines in a ratio of 20 to 1 to what is paid in this country. I am not stating, the House will bear in mind, an injury that may occur; but what actually takes place frequently. As an instance, I hold in my hand an Irish newspaper, containing an advertisement for the relief of the Portuguese, the duty upon which was 2*l.* 14*s.* Now the same advertisement in an English paper, would be subject to 3*s.*; therefore I call upon the right hon. gent. if he can do it, to reconcile those facts with the ratio which he distinctly stated to the House when he proposed this tax.

It will be unnecessary for me to detail

to the House the injuries consequently resulting to the Irish press, for I may appeal to any of the gentlemen of Ireland here, who are in the habit of reading the Irish papers, whether since the tax has been enforced, the advertising columns have not greatly diminished. Indeed, this tax far exceeds the means of ordinary advertisers, and in Ireland they have become less by one-half than they were before it was imposed. It is also to be observed, that the number of readers of advertisements must be proportionably diminished, and that a diminution of the circulation of newspapers is the inevitable consequence, so that the revenue is decreased more than even what doubling the duty was estimated to produce. Besides this, we are to keep in mind that the Irish press labours under hardships peculiar to itself, and also that it is deprived of many of the advantages the English press enjoys; to name one, for instance, the Irish proprietor is allowed a discount of but one and a half per cent. and the allowance in this country is 17 per cent.

Such, Sir, are the observations I have thought it my duty to make upon this subject; they are founded upon facts, and every person who wishes well to Ireland, must desire that the blessings of an enlightened press should be enjoyed there, and no press can be enlightened or beneficial to the country that is not free. The tax, if persisted in, will make the honourable labours of men of talents, unproductive or ruinous to themselves, and such prints only can exist who look not to the public favour for support, but who receive for their remuneration the wages of corruption. I move you, therefore, That the Petition, with the act of the last session, be referred to a Committee of the whole House.

Mr. *Foster*. Sir; the hon. gent. over the way says, that this is an oppressive tax, and to prove it, he adds, that two newspapers have been set up in Ireland. He states, that the duty would have fallen very considerably short, if 1,000*l.* had not been added by two newspapers, which were not in contemplation at the time of raising the duty. What is to be inferred? That if the papers had fallen off and been injured, there would not have been two papers voluntarily set up. But the fact is this; last session I was misunderstood and misrepresented, not voluntarily, but I never said, that I meant to impose two thirds of the duty in England on Ireland, but that I thought the mode of fixing the prices were better there than here. The printers charge so much for every ten lines, and the framers of the tax thought that the duty should be paid in the same way for every ten lines; that is, the proprietor and the government should consider every additional ten lines as a new advertisement. I then said, and the situation of Ireland has since unhappily proved it to be necessary, that I should endeavour to look at those taxes, which, by experience, existing in England were found least injurious, and I looked to the raising of such stamp duties as I thought Ireland could bear. I saw then more considerable difficulties than this, because I could not conceive then, nor can I see it now, how the price of advertisements can hurt the newspapers. It appears that not only the advertisements are given in the papers, but by the produce of the tax since its commencement, that it is operative.

I will just state, what would have been the effect if I had pursued the English system. It is said, that for one advertisement 2*l.* 14*s.* 6*d.* is paid in Ireland, which in England would be only 3*s.* Why? because in England they pay for only one advertisement though it be more than ten lines. What would be the consequence? If I had followed the English duty—[Mr. Shaw said something across the table,] If the hon. gent. has a mind to have the English duty, let him propose it. I will state to him that the present duty in Ireland is, what it would amount to as it is collected in England, and what it would have amounted to had it not been increased. The old duty in 1809, upon 94,000 single advertisements of ten lines was 47,000*l.* I proposed raising the duty to 2*s.* which amounted to 9,491*l.* If I had adopted the English mode of paying 3*s.* for each, it would have been 14,200*l.*; what then is the difference between the two modes? It is this, that we have endeavoured to make the single advertisements cheap, and to throw the great weight of the tax upon long advertisements, thinking that the short advertisements came from persons in a lower rank in life than those who sent the long advertisements; the long ones generally relating to property which is able to pay a higher duty. It was the same with the stamp duties—that which now was only 7,400*l.* by the British duty might be made 16,900*l.* If the hon. gent. wishes his constituents should be put on the same footing as the newspapers in London, I can certainly have no objection to it. It is for him to do it if he pleases.

Mr. *Parnell* said, that he had been applied to by several printers in Dublin to propose a repeal of the stamp duties on hand bills. There was an objection to this duty as well as to the duties on advertisements, which he conceived could not be got over; they were directly contrary to the express enactment of the 7th article of the Union, which provided, that no article in Ireland should be made subject to a higher duty than the same article was subject to in England. In this country there was no duty on hand bills, and on advertisements the duty never could exceed 3*s.* on each advertisement; whereas in Ireland, if it consisted of more than ten lines, it was much higher than this sum.—The duties, therefore, imposed in the last session ought never to be allowed. It was owing to the manner in which the act was hurried through the House, that no notice was taken of this defect in it; he now trusted that it would be looked into, and its regulations made at least consistent with the Act of Union.

Mr. *Foster*.—The hon. gent. mentions now, that the tax on hand-bills is to be taken into consideration with the other subject, if I understand the object of his motion. I can only say, that the tax on hand bills was recommended to me by one of the gentlemen proprietors of newspapers in Dublin, who said that hand-bills ought to have a reasonable tax laid upon them, so that they should not have the advantage, and draw the advertisements from the newspapers. I acceded to the wish, and he proposed a penny on hand-bills, which I thought too much, and said it ought to be only one halfpenny. All I say, is, that much injury will indeed be done, if the English mode is adopted, but if the hon. gent. likes it, he can if he wishes have it adopted.

Sir *John Newport*. I conceive, Sir, that within the meaning of the Act of Union, this new tax, as it regards advertisements exceeding ten lines, is in direct violation of the law; because it is an additional duty, although it is declared, that no article in Ireland shall be made liable to any new or additional duty, rendering the whole amount of which would be thereafter payable, exceeding the amount of the duty payable in England on the like articles. Advertisements of 20 lines pay more in Ireland than in England, and if this is not directly against the letter and spirit of the act, I cannot see what is. [Here the right hon. gent. read a part of the act.]—Now, Sir, I do not see how, in regulating the duty, that the right hon. gent. has a right to do it, because it is an absolute violation of the act. When too, the Petitioners make any request on the subject, they are told then you must pay the whole duty that is paid in England. Would it be fair to call on any body of men, under the local circumstances of the country and in their peculiar branch of business, and to say to them, you must either submit to the grievance I have inflicted upon you, or you must be burdened with another grievance. There are many articles on which the poverty of Ireland cannot admit the same tax. Would it be right to say to the Petitioners, " true it is, you complain of the grievances of a tax and you shall have a modification of it; but on these terms, that you shall receive a greater burden, and pay taxes the same as in England." I am perfectly confident, that any augmentation of the duty on advertisements will have no beneficial effect in the revenue, and only serve to put down the press of Ireland.

With regard to what has been said of newspapers being set up, which has been already made use of by the other side; it should be remembered, that a newspaper may be so ingeniously managed as to secure to itself all the government proclamations and advertisements of public boards, where the government only pays with one hand and receives with the other. Indeed, newspapers may be set up merely with a view to give encouragement to the idea that the tax will not be injurious to the press, but I should be glad to see how much of that sum of 10,000*l.* was actually and *bona fide* taken out of the public purse; that is, the government paying with one hand into the other, from one pocket into another. That, I think, would be the fair criterion of judging in what proportion the tax had been productive.

Another thing has been stated, and it is that the smaller advertisements are peculiarly the produce of the poor; but there is one description of advertisements which feels the effect of this tax with great severity from its nature, such as sales of estates and decrees of courts: indeed every thing relating to judicial proceedings, where the party is often the poorest of the poor, and where there is an absolute necessity that it should be advertised at a greater length than is common, I do think, therefore, unless there be a very great object with the revenue, in cases like this the House ought not to bear heavily upon the Press; sure I am—that every thing which tends to diminish the freedom of the Press does it most serious injury, because I do believe that a free discussion of topics is a public concern, and in its maintainance the public has a very serious interest.

The right hon. gent. says, that the newspapers can pay the tax, because it falls upon particular individuals who can pay. I say that fewer persons will advertise if it be so heavy as to make it an object. We know the fact to be so, and if you lay on a duty so great that persons can communicate more cheaply and conveniently by written notices, will it not most materially affect the editors of newspapers, and induce them even to discontinue their concern. With respect to hand-bills, the duty was intended to protect the printers of newspapers. I believe it will be manifest when the matter comes to be looked into, how much the duty has produced; it will be manifest, that it has not answered any object, but to throw out of employment those concerned in this branch of trade; and I would beg leave to say, that the House is peculiarly bound to guard the press of Ireland against any act of the united parliament; and why? Because at the act of union the most material sacrifices were made by the printing body—the whole book trade of Ireland sacrificed to the measure.

Mr. *P. Moore.* — Sir, I cannot help thinking that it would be a great advantage if the press of Ireland were to be supported in the same way as in this country, and the greater the encouragement that is held out for its multiplication, the greater will be the ultimate benefit to be derived from it.—When the right hon. gent. on the other side talks of placing the English and Irish duties on the same footing, he should remember that the duties in this country have grown with the growth of the press, and they cannot be parted with now; and in Ireland in proportion to the productiveness of the revenue, will be the strength which the nation will obtain. I have nothing more to say on the subject at present, but to remark once for all, that the duty as levied now on the number of lines in each advertisement, has tended more to the restriction of the liberty of the press than to its encouragement; and I am persuaded that if the duties are placed as they are in England, it will afford encouragement to the press, which shall enable the press of Ireland to rival the growth of the revenue of the press of England. Regarding the liberty of the press as the greatest safeguard and strength of the nation, and as I have before taken occasion to state, as that which has given to us all that is valuable, which has secured to the constitution that firmness, and to the throne that brilliancy and splendour which I hope never to see shaken or tarnished: I have no hesitation in thinking, from the advantages we have seen resulting from the press throughout the world, that in Ireland also it would be useful, and would secure it from the attacks of corruption and tyranny. What was the situation of France with regard to the liberty of the press at the time of the revolution? At that period, no newspapers had circulation 20 miles out of Paris; and, if there had been a communication between the different loyalists, and a line of intelligence kept up for them to act together, it is impossible that it should have made any comparative progress; but, for want of it, they all hastened to this country, because they could not understand what was going on. I hope that the committee will be allowed to enter into this business, fully convinced, that benefits will arise from it to both countries; and I declare, that so long as I shall continue to have a seat in this House, or to have a residence on the face of the earth, the liberty of the press, and every thing connected with it, shall receive my strenuous support.

The *Chancellor of the Exchequer* said,—Sir, I feel it necessary to say only a few words on this subject, which is a sort of charge on my right hon. friend. The tax is laid upon advertisements, and the hon. gent. who brought the matter forward, tells the House that there is a certain description of persons who are peculiarly fond of reading advertisements, and therefore he concludes, that as the advertisements are lessened, the demand for the papers will be also diminished. What description of persons those are, who are advertisement readers, or who would be deterred from purchasing the papers, because there are not quite so many, it is difficult to understand; it is not easy to find out what sort of taste prevails among those who are so peculiarly fond of reading advertisements, and those long ones too. Then we are told, that it will be a restraint on the liberty of the press; but I would really advise gentlemen to reflect a little, before they make this charge. Now, I beg leave to ask, is it a fact that in consequence of this tax any one newspaper has been obliged to be put down? Is there an allegation that any one person has been unable to carry on the trade on account of the diminution of advertisements or the advertisement readers? We have not had an allegation of the kind. There are as many papers now as before for any thing we have heard, and we have been told that there are two more that have grown up, and the inference therefore is that there is a description of persons who do not like advertisements. I confess I should be among that description of readers who like to have all the information but rather more compressed, and if I had a choice I should indulge rather in advertisements of a short composition than where there was a good deal of letter-press of another kind. But if people wish to see the liberty of the press, surely they will find more food to satisfy their appetite in the other part than in the advertisements, and therefore, if it were put in an extravagant way it may be said to be rather an encouragement to liberty. There is no ground for any such exaggerated statement that we have entered into a conspiracy against the press in Ireland, and in order to carry this malicious design into execution we had laid a duty on all long advertisements, and that the Irish government had exercised their wits and ingenuity to keep it out of sight by setting up two new papers at much expence, in order to shew that the liberty of the press was not affected. These are the grave grounds stated to induce us to believe that the tax ought not to continue. If the number of newspapers continued, it would be a strong ground to shew that the liberty of the press has not been injured, but any gentleman who has had an opportunity of seeing the contents of the newspapers, will say that there never was a period at which it can be said that the liberty of the press was less injured or confined than under this tax; for I think, for my part, that I never read a greater degree of warmth or a larger number of paragraphs, letters, or statements which indicated a degree of liberty in the papers than what have been penned on this very tax, which is the subject of so much animated discussion, by far more like the sentiments of liberty than I ever read in the longest advertisements I ever saw. It does appear to me that people continue to publish advertisements for their own, and the public concerns, with very material advantage.

Certainly I think the question was very fairly put across the House, that my right hon. friend was willing, if the parties so pleased, to adopt the English mode of taxing advertisements. It might be a very fair subject for consideration in the House; we should have no difficulty in adopting that rate, and, as I understand, it would rather be preferred. There were in the year 1809, 14,000 advertisements, under ten lines, and they produced 4,745*l.* and the whole tax on all the other large advertisements did not produce so much as those under ten lines; therefore it may be a matter worth consideration, if it would be right to make that tax any longer a subject of complaint, for it appears to be a tax which would fall much lighter upon them, than that which applied to newspapers in England. On the whole, therefore, I think, that if any alteration were to be made, it would be the worse for the newspapers—and they ought to take care, that in making their complaints, they do not shew that they are not sufficiently taxed, so as to draw upon them additional burdens.

Mr. *Ponsonby*. If I were to advise the proprietors of newspapers in Ireland, I should recommend them to abide by the tax as it is, rather than to seek it to be imposed as in England, for I believe they pay less at present, and lose less in their profits, than if they were to pay the tax paid by the proprietors of English newspapers. They will find, that the right hon. gentleman opposite has not made a proposal to night extremely beneficial to them, if he were to change the subsisting tax in Ireland for the subsisting tax in England. They say, if you do not like the tax as it is, how shall we give you help; and the only answer they make, is an addition to what you complain of. Now, the contribution in England is 15 parts out of 17; the whole contribution of Ireland to be raised by a single tax, by the act of Union alone, would amount to only two parts out of 17. It is an odd standard, to take off the ability of Ireland, to say, that England pays the same tax;

but the act of Union has an express provision on the subject, which says, that no article shall be taxed more in Ireland than in England. Perhaps if these articles had been considered worth a little more attention than they received, they might have admitted of considerable improvement; some might not have been inserted, or have subsisted at this moment. But does the right hon. gent. think it reasonable that the newspaper proprietors in Ireland should be subject to the additional tax on long advertisements? Here it is only *3s.* on every advertisement. Take the comparative calculation in the two countries, and is there any man who will say, that it is a fair rate of taxation? I think where an English advertisement pays *3s.* an Irish one should pay only *2s.* at most, and I wish the wealth of Ireland, as compared with England, could be considered as 2 to 3. I am sure it falls very short of it indeed; and when you come to the tax, it is but reasonable that you should consider the wealth of the two countries.—As to the tax destroying the liberty of the press, for one I have not the least idea that it will produce that effect, but I think it is a very unreasonable tax, and I hope that the right hon. gent. will see something just in the complaints of the petitioners, and that he will not refuse to have the matter examined by a Committee. I see considerable justice in some things that have fallen from the other side, though I do not give way to any of the exaggerated statements: but what I wish is, that the tax may be fixed in some way or other so as to produce a less reduction of the profits of the proprietors.

Mr. *Hutchinson.*—I am sure the House is very much indebted to the right hon. gent. opposite, for his amusing comments, but I do not think that they will have any great weight with the House, though I at the same time give him great credit for turning this most serious subject into ridicule and humour. But the advertising readers are not so much to be despised, because, if he examined, he would see how much the revenue is increased by the advertisements, and he would be aware how great a defalcation of that revenue would take place, if the advertisement readers were to be scoffed and laughed out of their reading. But the reason why my hon. friend adverted to it was this, that no paper either in this country or in Ireland can support itself but through the medium of advertisements. I cannot for a moment doubt but that the right hon. gent. does know it; the public prints are injured by destroying that in which the public are interested. They are injured by detailing the debates in parliament, because they are obliged to leave out their advertisements.—Now, the fact of the two additional newspapers in Dublin, which the right hon. gent. applied to his own purpose, goes directly the other way; for why did the hon. member for Dublin make use of it in argument? He said, that in a prior period of three months, the whole amount of duty amounted to 4,109*l.*; and a subsequent period it was 4,930*l.*; but that in the latter period, there were two additional papers set up—and in the conclusion it appears, that these two additional papers paid 1,000*l.* and deducting that from the duty of the period before, there will be a defalcation of duty, instead of an increase, of nearly 300*l.* If we could agree in this House as to our facts, there would be less debating, and business would be done more for the public benefit. If the fact be true, that that which in England costs *3s.* in Ireland costs nearly *3l.* the fact is, I submit, sufficient; it is a volume of argument and reasoning to induce the House to accede to the motion, and it has not yet been denied. But I want to know, why should the Chancellor of the Exchequer, or any member, say, we will allow advertisements of a certain length. They have none; and the moment you confine the circulation, you stop the benefit to the advertiser, and the proprietor will not find it worth his while to carry it on, when he receives no advertisements.—In the first place, a great number of advertisements consist of decrees, which are of length, and the proprietor will lose these, and he will feel that the profit of his paper is lessened, because it does not afford the same information that it did before; then the paper becomes less saleable, and thereby this tax is a tax upon his property. But, Sir, I am, in common with all the friends round me who support this motion, a sincere and zealous friend to the Press, but particularly to the Irish Press. I am sure it cannot be too much encouraged, and he is the sincerest friend of the empire, who encourages all species of investigation in Ireland, through the medium of the Press.—If there be any part of the kingdom, where there should be less restraint than in another, it is in Ireland; because, however, we may strive, we cannot conceal from ourselves, that there is much amelioration and alteration necessary, before we can bring it to that happy state, which every Irishman, every Englishman, I may say, would desire; and gentlemen here must get more information on the subject, and in no way can they get so well or effectually, as through the public press. In no place is the liberty of the press so necessary as there.

Mr. *Grattan.*—I do not think that the scale of taxation in this case is fair: it doubles every ten lines. Now, that is no principle of taxation, it may subject our Press to much heavier burthens, to a much greater weight, and ought not to be adopted. The right hon. gent. will be pleased to recollect that if what he said was true, that the tax does not go directly to affect the liberty of the press, but it may affect the circulation of the press, and if you affect the circulation you affect the liberty of the press in this way; that few men will undertake to conduct newspapers unless they are under the protection of other men of influence and weight, so as to convert the press at any time to the purpose of any minister. I beg leave to observe, that I think the right hon. gent. was perfectly disinterested in proposing this tax. He suggested a system of taxation to the amount of 300,000*l.*, and it must be allowed that they are not very popular, and it is impossible that that, or any new system of taxation, should be, very popular. The right hon. gent. thought, however, that they would be very proper taxes to be introduced and discussed in the public papers; so he taxes the press so as to bring the press into a discussion with him, and on that occasion, certainly, he was not much spared. It is true he has been unsuccessful in his taxes, and as a politician, I cannot say that he has evinced much wisdom. The mode I would recommend would be, that the House should go into a Committee upon it.

Mr. *Foster* said, that he had no intention of attacking the liberty of the press

Mr. *Shaw.* I do not feel it necessary to trouble the House for more than a few minutes, to reply to the observations which have been made in opposition to the motion which I had the honour of submitting to their consideration; and first, I must allude to the argument touched upon by the right hon. gent. opposite (Mr Foster), that because a newspaper has been set up in Dublin since the tax was imposed, that therefore it cannot be injurious. But that right hon. gent. knows very well that the paper alluded to was set up by the Castle, and belongs to government, and who will, no doubt, so distribute their favours, that it will receive more out of the taxes than it will ever contribute to them. It is notorious that this paper has been sent gratis throughout the country, and the advertisements it contains are government Proclamations or Decrees, signed "W. W. Pole," therefore no argument can be drawn from a paper of such a description, which ought to affect the legitimate press of Ireland. The right hon. gent. in his usual manner proposes to redress the grievance of the Petitioners—how? Why, by increasing their burthens; but I cannot believe him serious; he knows perfectly well that Ireland cannot bear equal taxation with this country; and therefore his proposition looks like mockery. The other right hon. gent., for the motion has only been opposed by the two Chancellors, has been pleased to treat the subject with ridicule; he laughs at the idea that newspapers are indebted for any part of their circulation to their advertisements; he seems to think in fact that no person reads them, but if the fact be that they are such unnoticed kind of things, why do advertisers go to the expence of paying for them? and why does the right hon. gent. tax them? But in order to shew this right hon. gent. how perfectly he is mistaken upon the point, I have only to tell him, that there is a paper published in Dublin called the Day Note, which contains nothing but advertisements, and therefore, cannot be bought for its news; and yet has a considerable circulation. Sir, the case of the petitioners is well deserving the attention of the House—they have a formidable rivalship to contend with in the great circulation which English newspapers have obtained in Ireland, and therefore, the profits arising from advertisements must be a greater object to them than it is to the newspapers in this country, whose circulation is so immense, extending throughout the whole of the British dominions in various parts of the world. I have now only to add, that upon one point I have not been answered at all. I did assert, that the produce of this tax was less since than it was before it was doubled; and I was prepared to prove it from the best information I could procure, and which I believe to be correct. Should the House go into a Committee, it will be proved to their satisfaction. Upon so just an occasion, I must certainly press the question.

The House then divided, when the numbers were—For the motion 17; Against it 29; Majority 12.

List of the Minority.

Abercromby, J.
Adam, W.
Grattan, Henry
Horner, F.
Hutchinson, C. H.
La Touche, Colonel
Martin, Henry
Montgomery, Sir H.
Moore, P.
Newport, Sir John
O'Hara, Colonel
Palmer, Colonel
Ponsonby, rt. hon. G.
Smith, W.
Tracy, H.
Western, C.
Wrottesley, Sir H.

Tellers:
Shaw, R.
Parnell, H.

IRISH ELECTIONS BILL.] Colonel *Barry* called the attention of the House to the present state of the law with respect to Elections in Ireland. It was well known, that before a person was permitted to vote for the return of a member to parliament, it was necessary that he should register his estate, and take certain oaths prescribed by law. In those oaths blanks were left to be filled up, and in the filling of them up frequent disputes arose, which had caused many petitions to be sent to that House. It was with respect to those blanks that he wished something to be done, that a man should not lose his elective franchise through any informality in filling them up. In addition to all the other forms, it was rendered necessary by the acts of 13th, 14th, and 33d of the king, that the Roman Catholic should produce a certificate of his having taken the oaths, &c. before he could be allowed to vote. Now, in some instances it had happened that the officers appointed to give the certificate, had, through not giving a proper certificate, deprived the Catholic of his vote. In the year 1795, he remembered that no fewer than 400 freeholders were in such a predicament at the time of a contested election in which he was concerned. He wished the law to be amended in these respects, and was desirous of making a provision to enable the Catholic in certain cases to take out a new certificate, which at present could not be done. He concluded by moving for leave to bring in a Bill to amend the Act for Regulating Elections in Ireland of Members to serve in Parliament.

Leave was given to bring in the Bill.

IRISH CRIMINALS.] Mr. *W. Pole* obtained leave to bring in a Bill to authorise the Judges of Ireland to punish by hard labour and imprisonment, persons sentenced to transportation, and to repeal so much of a former act as relates to the subject. The right hon. gent. prefaced his motion, by stating it to be his intention to propose that two Judges in the case of a person sentenced to transportation, should have power to commute the sentence, by sending the party to hard labour and confinement, for such a period as might be judged proper. This he thought desirable, as sometimes offenders were sentenced to be transported for petty-larcenies and trifling offences, and the sentence once passed, as the law stood the Judges could not soften its rigour.

HOUSE OF LORDS.

Friday, May 17.

In the Committee of Privileges on the Berkeley Peerage several witnesses were examined at considerable length. The Committee sat from about half past two o'clock till seven. Further proceeding on Tuesday.

PROTESTANT DISSENTING MINISTERS BILL.] Viscount *Sidmouth* moved the second reading of this Bill. [For a copy of the Bill, see vol. 19, p. 1133.]

Earl *Stanhope* urged the impropriety of suffering a Bill of such importance to pass through its principal stage, after so short an interval, in so thin a House, and after the remaining peers had been so long engaged in closely attending to another business. He thought it would be proper to allow a considerable interval before the second reading, in order that the measure might be more generally considered throughout the country, and to afford those to be affected by it an opportunity of laying their sentiments before parliament on the subject.

Earl *Grey* also requested that the second reading might be postponed, both for the reason suggested by his noble friend, and also to give time to those numerous and respectable classes of men, who conceived themselves affected by the provisions of the Bill, to petition the House. It was highly important that the Bill should receive the fullest discussion and examination not only with regard to its own provisions, but in the view that it might lead to future violations of the Toleration Act. He regretted that his noble friend should have brought forward the measure, particularly at a period like the present, when so many circumstances required that religious dissentions should, if possible, be prevented. He hoped the noble viscount would consent not only to the postponement of the Bill for a few days, but until next session, as in many parts, particularly in that part of the country with which he (earl Grey) was peculiarly connected, and where there were many sectaries, but consisting of persons most zealously attached to the constitution, they had not had time to consider the provisions of the Bill.

Viscount *Sidmouth* called to the recollection of the noble lords, that it was generally understood the Bill should be read a second time this day, but that the debate on the principle of the measure was not to take place before Tuesday; and on this understanding many noble peers had absented themselves, who would otherwise have attended. Neither would the discussion of a measure of so much importance be proper in so thin an attendance as that at the present time. With respect to what was said of the sentiments of those likely to be affected by the Bill, he had conversed with several, who approved of the measure. Neither were there any who could justly complain of its being unexpected; as, it was well known that for two successive sessions he had expressly given notice of his intention to propose such a measure. However, he did not wish to press the order at present, and therefore would move that instead of now, the Bill be read a second time on Tuesday next.

The Earl of *Rosslyn* suggested that the Berkeley peerage stood again for Tuesday, and that they might probably sit late in the committee of privileges.

The Earl of *Buckinghamshire* observed, that however important the Berkeley peerage case might be to an individual, the Bill of his noble friend was of much greater general importance.

Earl *Grosvenor* approved of the principle of the Bill, and thought it would tend to strengthen the established church, and make religion in general more respectable and respected.

Lord *Redesdale* observed, that the Bill certainly seemed to agitate greatly the public mind; yet a measure formed upon similar principles and proposed by himself some years since in another place, seemed to meet with general approbation. In the committee the provisions of the Bill might be discussed, and whatever was deemed objectionable amended.

The question was then put. The Bill was ordered for a second reading on Tuesday, and the Lords to be summoned for that day.

HOUSE OF COMMONS.

Friday, May 17.

Petition of Mr. St. John Mason respecting his Imprisonment by the Irish Government.] Mr. *Sheridan* presented a Petition from Mr. St. John Mason, setting forth "That the petitioner was admitted a member of the Irish bar in Trinity Term 1803, and that in August thereof, the petitioner was, when on circuit, arrested at the distance of seventy miles from Dublin, to which he was directly conveyed, and committed to the prison of Kilmainham, where he was detained in close and rigid custody for more than two years; and that the instrument by virtue of which the petitioner had been so committed, was a state warrant, signed by Mr. Wickham, then chief secretary for Ireland under the earl of Hardwicke's administration, and by his excellency's command, containing a sweeping and general charge of treason; and that the said warrant did not specify that the said charge was founded on any information given upon oath; and that the petitioner and his friends have applied to the Irish government in every shape, both personally and otherwise, respecting its oppressive treatment of the petitioner, soliciting examination, and claiming to be informed of the cause of the petitioner's having been so deprived of his liberty for more than two years; but that all such applications have been wholly unavailing, in consequence, as the petitioner doth firmly but most respectfully assert to the House, of the absolute inability of that government to state with truth, any just cause whatsoever for such rigorous and cruel imprisonment of the petitioner; and that, as it is impossible for the petitioner to prove the negative of an undefined and unspecified charge, the petitioner can, in general terms only, most solemnly declare his innocence, to establish which, he had also during his imprisonment, when he was at the mercy of vile and corrupt informers, repeatedly, but in vain, demanded from the said government of Ireland, that right which the constitution gives to every subject of the land against whom accusation has been laid, namely, a trial by the laws of his country; and that the infringement and suppression of justice, which had been exercised in the case of the petitioner, not coming within the scope or cognizance of any legal tribunal, he begs leave, with the most becoming respect, to approach the House for constitutional redress, and, as an injured subject of this realm, in whose person the general rights of the community have been violated, humbly to appeal against such violation and suppression of justice; and, fortified as well by the rectitude of his conduct as by a firm confidence in the protecting justice of the House, the petitioner begs permission to present his complaint against that officer of the state, under whose government such violation had been committed, and whom the petitioner, however elevated might have been the trust and station to which that officer had been exalted, cannot constitutionally consider as divested of responsibility for the acts of that trust as exercised in his administration in Ireland; which said complaint the petitioner most humbly begs to present to the House as his duty, in the last resort to society and to himself, challenging all inquiry, and defying all imputation on his probity and honour; and that the petitioner doth therefore distinctly and directly charge the government of the earl of Hardwicke, when that noble earl was lord lieutenant of Ireland, with injustice and oppression, by having, in the person of the petitioner, abused, to the injury and destruction of the subject, the discretionary powers of that trust which had been granted for his protection; and further, that the said earl of Hardwicke has since continued to deny that humble measure of justice to the petitioner, the acknowledgment of his innocence, of which the petitioner cannot but think his lordship is now convinced; and the petitioner now humbly prays, that the House, which the petitioner looks up to as the grand depositary and guardian of the public rights, according to the structure of the constitution, will be graciously pleased to grant to the petitioner, who is now in humble attendance awaiting the pleasure of the House, such means and opportunities of substantiating his said allegations as may, in its wisdom, appear best calculated for the attainment of such his object, and for the accomplishment of justice; the petitioner so praying, not only for the purpose of vindicating his character, but also, under the protection of the House, of guarding by his humble efforts, the rights of the subject against similar infractions, which rights have been so unconstitutionally violated in the person of the petitioner."

Mr. *W. Pole* had no doubt that lord Hardwicke had sufficient grounds for procuring the arrest of this gentleman. The information upon which he had been taken up was secret, and from his knowledge of that information, he had no hesitation in saying, that lord Hardwicke had not only grounds for what he did, but that he would have been guilty of a gross dereliction of his public duty, if he had not done so. He had no objection, however, to the Petition lying upon the table.

The Petition was then ordered to lie on the table, after a few words from Mr. Sheridan, and Mr. Peter Moore.

MEMBERS OF PARLIAMENT BECOMING BANKRUPTS.] Mr. *Thompson* gave notice that he would on an early day in the next session move for leave to bring in a Bill to declare vacant the Seats of all Members of Parliament who should be proclaimed Bankrupts, and should not pay their debts in full within six months after the date of the commission. [Hear, hear!]

BRITISH AND IRISH MILITIAS BILL.] Mr Secretary Ryder brought up the Militia Interchange Bill. On the question that it be read a first time;

Earl *Temple* rose, and apologised for so unusual a proceeding as that of opposing the first reading of a Bill; but the principle of the present Bill was so hostile to every feeling of his mind, that his opposition to it could not be removed by any subsequent modification of the provisions of the Bill itself. He should even have opposed the motion for leave to bring in the Bill, had he not been kept from the House by the illness of a near relation. He objected to the Bill, first, because it involved in its consequences a direct breach of faith with the Militia, inasmuch as the Militia had enlisted for service confined to the soil [here Mr. Secretary Ryder intimated across the table, that with respect to those already in the Militia the interchange would be altogether optional.] This mode, though not so objectionable, was yet, in the opinion of the noble lord, one that ought not to be adopted. It would put the officers at the mercy of the men; for, according as the men determined in that country so must the officers. This went to affect the first principle of subordination. Another objection was, that if one part of a regiment volunteered, and the other did not, there would be two distinct services; the evils of which were obvious. He further objected to the measure upon a constitutional ground. The Militia was a species of military force, that might be said to be independent of the crown: it was a force independent of the Standing Army. Besides it might deprive the service of the talents of the ablest of the Militia officers; and without meaning any thing invidious, it could not be forgotten, that it was a different thing to an English country gentleman to go over to Ireland, and to an Irish country gentleman to come over here with his regiment, where he must have come at all events to attend his parliamentary duties.—He likewise objected to the measure, because it would destroy the means now resorted to of recruiting the regular army. The Militia had of late years been a kind of preparation for the regular service. The effect of the proposed interchange would, however, be, to render necessary a higher bounty to recruits for the militia, as the nature of their service was to be extended. A great burden would also be imposed on the counties by the necessity of providing for the wives and families of those Militia men, who left their respective islands. It was a bad return for the sacrifices which the Militia officers had always been so ready to make, to propose a measure of such an injurious nature.

Mr. Secretary *Ryder* defended the Bill from the imputation of a breach of faith. That the Militia was a constitutional force which ought to be revered, and to the feelings of which the greatest attention ought to be paid, he was most willing to admit; but he denied that it was independent of the crown, or that any officers of the Militia could be appointed without having the royal approbation. He denied also that the proposed measure would have the effect of disuniting the officers and the men. They were both put on the same footing. He did not believe that many Militia officers would be induced to quit the service in consequence of the proposed interchange; but he was prepared to say, that much as he should lament such an occurrence, it was a sacrifice which he for one would rather make, than abandon a measure which he was satisfied was pregnant with the most important advantages to the empire.

Earl *Temple*, in explanation of his statement respecting the independence of the Militia of the crown, said, that what he meant was, that the Militia was not officered by the crown. His Majesty had only the power of approval.

Mr *Herbert* supported the Bill. He did not see how it would add to the power of the crown, except indeed, by making the army more formidable to the enemy. As for the recruiting for the regular army, the measure would much facilitate it; for men who had already passed over a sea, would be more likely than others to offer themselves for general service.

Mr. *Bastard* strenuously opposed the Bill. If the Militia officers were told at once, "We have no further occasion for your services, and we dismiss you," they would have nothing to complain of; but they had a right to complain, when they were put in a situation which compelled them either to quit the service, or very probably to expose themselves to the resentment of the crown, for not carrying the projected measure into effect.

Sir *J. Newport* asked whether any clause was to be introduced into the Bill, protecting the catholic soldiers of the Irish Militia from being compelled to attend the established church, when in England?

Mr. Secretary *Ryder* replied, that the operations of the Bill would be such as to render it impossible for the Militia of the two countries to be placed, in that respect, in any situation different from that in which each stood in its respective country.

The Bill was then read a first time, and ordered to be read a second time on Thursday, and to be printed.

EXEMPTIONS TO FOREIGNERS FROM THE PROPERTY TAX.] The order of the day for the House to resolve itself into a Committee of Ways and Means having been read,

Mr. *Howarth* rose to make his promised motion on the Exemption of the Funded Property of Foreigners from the Property Tax. When the Bill in which this exemption originated was first proposed, it was contended, that without the violation of a precise act of parliament, no duty could be imposed on Funded Property. It appeared to him that this argument proceeded from a misapprehension of those acts; for it never could have been intended by the legislature that income arising out of whatever description of property, should be exempted from the general contribution necessary to the security of the state. In 1803, the Bill for collecting the Income Tax on Funded Property at the Bank passed, and in 1806 it was amended, still leaving the clause which exempted from the tax the Funded Property of Foreigners. To this clause he now wished to call the attention of the House. It had been argued in 1806, that the exemption would operate as an invitation to foreigners to place their money in the British funds. This expectation, however, had proved unfounded; for the Funded Property of Foreigners had remained nearly the same ever since that period. The hon. gentleman next stated the manner in which the drawback on this tax was obtained, namely, by a power of attorney granted by the foreigner resident abroad, to whom the stock belonged; and exposed the opening which was thus afforded to the most flagrant abuses. It was not, however, so much on the impolicy and inconvenience of the exemption, that he founded his objection to it, but on the injustice of the measure. Let us examine, said the hon. gentleman, into the relation in which the foreigner stands, who residing abroad, possesses property in our funds. Let us examine under what conditions he became possessed of that stock, what faith has been either expressed or implied, what honour pledged to him under which he can derive any colour of right to be placed on a different footing from the general mass of stockholders. In the first place, none of the government loans have been contracted with foreigners. The loan is necessarily completed before the stock is created. There is then no pledge on the part of government towards foreigners. Why then, there can be no violation of national faith—there can be no sacrifice of public principle; and I call upon the advocates of this clause of exemption to shew the contract, if it exists, by which any exception is taken, or any exemption secured, or even promised, to the property of aliens. I can find no such contract. Foreigners become stock-holders by purchase. The stock is in the market before they can become proprietors. They can only purchase that right in it which the seller was possessed of; and by that purchase they are placed in the same situation, subject to the same regulations and liable to the same contingencies with the original subscribers. If then you break no faith in taxing the annuities payable to natives, you break none to foreigners. Taxing natives and exempting foreigners is a gross injustice.—The hon. gentleman concluded by moving, "That the account of the Amount of all of all Exemptions granted to Foreigners in respect of the duty on dividends in the various funds of Great Britain, and on the dividends of the East India and South Sea companies, under the Property Tax, from the quarter ending in October 1809 to the quarter ending in January 1811, be referred to the Committee of Ways and Means."

Mr. *Baring* opposed the motion, not so much because the abolition of the exemption would be impolitic, as because it would be inconsistent with good faith. An act of parliament distinctly stated, that persons who lent money to the public should never have that money taxed. In conformity to this pledge, when the Property Tax was first imposed, it was not deducted from the dividends: but it was afterwards found convenient to take it at the period of paying the dividends, rather than at any other time, and, in his opinion, with great propriety. But a foreigner who had property in the British funds stood in a very different situation. He was not taxable. If parliament taxed him, they must tax him as the holder of stock, which they were pledged not to tax at all.

The *Chancellor of the Exchequer* did not think, if the Property Tax were a new measure, that it would be any breach of faith to tax the Funded Property of foreigners; but the question was, whether, having granted the exemption in the first instance, and having confirmed that grant after various discussions, it would be honourable for parliament to take advantage of that property which they were not sure would now be in the funds, but for the security from duty to which the holders of it conceived the British parliament was pledged. If the exemption were withdrawn, the period of withdrawing it must be fixed for a distant day. The state of the world and a variety of circumstances combined to render it necessary for the House to be very circumspect in such a proceeding. It was the great object of the enemy to embarrass our finances. Thus attacked, it was due to the British character to show that this country would not resort to any mean shifts—that it would ot, for the paltry advantage of gaining 0 or 60,000*l.* violate its faith, by doing that which all preceding governments and parliaments, since the origin of the measure, had refused to do. It was not probable, that any great fraud could be practised on this subject, the amount of stock held in the name of foreigners being nearly the same as formerly. But even such a consideration would be trifling, compared with the honour of the country, which was deeply implicated in the transaction, and which, he trusted, parliament would preserve unblemished.

Sir *T. Turton* contended that ministers ought to have some regard for what might be the feelings of the English, as well as for what might be the sentiments of foreigners. Our former forbearance was no reason why the exemption should be continued. We had granted them the indulgence a long while, and now the circumstances of the times rendered it necessary that it should cease. He thought we might call upon them without being guilty of any breach of faith. The parties themselves would, he thought, be the last to complain of such a measure; and he would ask if it was not due to the people of this country, to name some period, however distant, at which this distinction should be done away?

Mr. *Pole Carew* was surprised that any gentlemen who knew the laws of the country, as the hon. baronet did, could think such an alteration as that proposed, could be made without a breach of the public faith.

Mr. *Howarth* in reply, contended that foreigners were not lenders of money to the state, but purchasers of property in it. He should like to know why that property which was taxed while in English hands, should be exempt from taxation when transferred to hands of a foreigner? No pledge to that effect had been given. When a foreigner came here, we protected him and his property too; and when he went hence, he left us to defend his property in his absence. Was it not then reasonable, that he should pay a something for this protection? And as to what had been said of what might be advanced by our enemies on our taking such a step, could it be imagined that Buonaparté would calculate on our situation, from any regulation we might make which might add a few thousands to our annual revenues, when he knew that in the Peninsula we carried on the war at an expence of not less than a million per month? He, however, was willing to withdraw his motion with an understanding that the subject would be again brought forward on a future day. He was confident the right hon. gent. must ultimately feel the justice of that which he would suggest; and so long as he (Mr. Howarth) had a seat in that House, he would bring the business forward year after year, till redress was obtained.

The motion was then negatived without a division.

SUITORS IN CHANCERY.] Mr. *M. A. Taylor* again called the attention of the House to the situation of Suitors in Chancery. He had brought forward their case twice already. In the first instance his motion had been negatived, on the ground of notice having been given of a motion on the subject elsewhere; and in the present session, when he renewed his motion, it was met by the previous question, and he was told, it would be proper to wait till the result of the proceedings in a Committee of the Lords was made known. He was now told, that a something might shortly be expected from them in the shape of a Report; this, however, he felt confident would not remedy the evil. He then proceeded to state the hardships experienced by Suitors in Chancery. He would propose that three commissioners or judges should be appointed to decide on their claims, which he thought ought not to be attached to the great seal. He concluded by moving, "That a Committee be appointed to enquire into the causes that retard the decision of suits in the high court of Chancery."

The *Chancellor of the Exchequer* thought, as the subject was postponed some time till the result of the inquiries making by the Lords was known, there was no reason for doing any thing now, as their report had not yet been published, and was expected shortly to appear. Under these circumstances he would move the previous question.

Mr. *H. Martin* spoke in favour of the original motion.

Mr. *Lockhart* thought it might be advisable to suspend their decision, and would, if permitted, move an adjournment for a week.

The Chancellor of the Exchequer withdrew the previous question, and Mr. Lockhart moved that the debate should be adjourned to Thursday.

Sir *S. Romilly* spoke in favour of the motion of his hon. friend, which he thought from the knowledge he had of the circumstance, did not deserve to be met either with the previous question, or by the motions for an adjournment.

Mr. *Stephen* thought that all opinions should be reserved until the House was in possession of the plan itself, and that there would be an impropriety in going into the consideration of the evil, without a view to some remedy.

Mr. *H. Martin* said he saw no reason why the House should refuse going into a Committee, the evil being admitted upon all hands.

Mr. Secretary *Ryder* agreed in the amendment; and contended that they should wait the result of the inquiry which was known to be going forward in another place.

Mr. *Adam* observed, particularly with respect to the appellant jurisdiction, that it would be necessary to clear off the present arrears, and nothing more; the evil was but temporary, and required but a temporary remedy.

Mr. *Morris* spoke in favour of the amendment.

Mr. *C. Adams* supported the motion.

After a few observations from Mr. Pole Carew, who supported the amendment, and Mr. Ponsonby, who maintained that a sufficient cause for delay was not made out, the House divided, when there appeared, For the amendment 40. Against it 19. Majority 21.

HOUSE OF COMMONS.

Monday, May 20.

Petition of the Roman Catholics of Ireland.] Mr. *Grattan* presented a Petition from his Majesty's Catholic Subjects, whose names were thereunto subscribed, as well for themselves as others his Majesty's subjects professing the Catholic faith in Ireland, setting forth,

"That, for a long series of years, the Petitioners and their ancestors suffered under the most cruel system of legalised persecution that ever afflicted a Christian people: and that, although they do with gratitude acknowledge that several of the enactments of that oppressive code have been repealed since the accession of his present Majesty to the throne of these realms, nevertheless the Petitioners still continue objects of a most degrading exclusion, not less injurious to the interests of the empire than offensive to the feelings of the Petitioners; and that, for the last 17 years, no relief whatsoever has been extended to the Petitioners, though they have three several times within that period submitted their grievances and their claims to the consideration of the united parliament; on the contrary, their humble representations were disregarded, their just statements were contradicted, without affording an opportunity of supporting them, every prayer for investigation was rejected, and men distinguished from their fellow citizens only by their inveterate and offensive opposition to the claims of the Petitioners, were raised to situations in the state of trust, dignity and emolument, a course of policy which the Petitioners cannot help considering at the least extremely questionable at all times, but more particularly so when the very independence of the United Kingdom becomes the subject of national contest; and that they deem it unnecessary to enter into any refutation of the several calumnies and misrepresentations which have been circulated respecting the doctrine of their holy religion; the solemn pledges they have given, the revenue they have contributed, the blood they have shed, and the lives they have sacrificed, in support of British policy and British connection, supply abundant contradiction to the malignant assertions and insinuations of their misguided enemies: the religion they profess is maintained by every one of his Majesty's European allies; it was the religion of every man in England when that colossal pillar of British liberty, so justly entitled her Great Charter, was raised by her trusty sons; and they beg leave most humbly to remind the House, that the Catholics of Ireland contribute very largely to the supply and reinforcement of his Majesty's forces on sea and land; and that they cannot disguise the feelings of disappointment and dissatisfaction with which they are impressed, on finding such attachment and support on their part met by a system of cold and jealous reserve, which excludes the Irish Catholic from rank in military command; and those feelings are raised to a spirit of indignation when they observe that confidence which is refused to the Petitioners in this their native land reposed in foreign mercenaries, strangers alike to their soil and their constitution, and not naturally interested in the defence or prosperity of either; and that, fully impressed with the conviction that the extent and degrees of their grievances are already known to the House, they deem it unnecessary to resort to a minute detail or recital of them, as such a particular recapitulation could only tend to impress more forcibly, and, if possible, more painfully, on the minds of the Petitioners, the degrading consequences resulting from their present wretched state of exclusion and humiliation; and praying the House to comply with the prayers of so many millions of their fellow subjects, and not to suffer their claims any longer to remain disregarded; the extent of their supplication is, that the House will secure and consolidate the real strength of the nation, and excite a spirit of enthusiastic loyalty in so large a portion of his Majesty's subjects at a time when every arm and every sinew is valuable in the defence of this insulated empire; the Petitioners ask for no favour which it is not in the power of parliament to bestow, or which they are not entitled to enjoy; restore then, they most humbly pray the House, the Catholics of Ireland to a full participation of all the blessings of that constitution, to the support and defence of which they have so essentially contributed."

Mr. *Grattan* said he should abstain from entering into the subject, till Friday, the 31st instant, when he intended to move that the Petition be referred to a Committee of the whole House.—Ordered to lie on the table.

Petition of Mr. Dodd.] Mr. *Sheridan* said the case of this Petitioner was one of such extreme hardship that it called loudly for redress. He had carried on business as a distiller at Ballinacloon, in the county of Westmeath in Ireland, where his whole property was destroyed by a party of militia acting under the orders of the government of Ireland, on the most unfounded suspicions. There were circumstances in this case which separated it from other applications for compensation from government, to which the consent of his Majesty's ministers was necessary. The petitoner stated that he was promised full compensation by lord Camden, formerly Lord Lieutenant of Ireland, which compensation was afterwards, for some reason or other, thought proper to be refused. He said he should proceed to read the Petition, after which it would be seen whether it ought to lie on the table.

The *Chancellor of the Exchequer* said he had heard the right hon. gent. with some surprise. If there were any thing in the Petition which it might be necessary to obtain the consent of the King to, he thought it unreasonable to ask the House to depart from its established practice, without first making an effort to obtain that consent. He would not say he had never heard of the case in question, but he had no recollection of the claims of the Petitioner having ever been brought before the administration of which he was a member, and therefore saw no reason for departing from the regular forms of the House.

Mr. *Sheridan* said, after what had been stated by the right hon. gent. he, instead of moving that the petition be brought up, would put it into the hands of the Chancellor of the Exchequer to-morrow.

The Budget.] The House having resolved into a Committee of Ways and Means,

The *Chancellor of the Exchequer* rose to open the Budget for the present year. He began by observing that having that morning concluded a contract, subject to the approbation of parliament, for the Loan for the service of the present year, on terms which he trusted, under all the circumstances of the case, the Committee would consider to be highly advantageous to the public, he should proceed to submit to them the details of that contract. But, before he did this, he conceived that it would be necessary for him to state, with as much clearness as he possibly could, the various sums which the House had already voted for the supply of the present year, and the Ways and Means to which in his judgment, they ought to resort for the purpose of meeting those sums. The supplies which had been voted were as follow:—

SUPPLIES, 1811.

Navy (exclusive of Ordnance Sea Service)…………………		£20,276,144
Army (including Barracks and Commissariat) …	£14,209,422	
Ditto Ireland………………	3,233,421	
Extraordinaries……………	3,200,000	
Unprovided ditto last year…	627,098	
		21,269,941
Ordnance………………………………………		5,612,378
Miscellaneous, including 400,000*l.* Irish Permanent Grants…………		2,050,000
Vote of Credit		
England …………………………	3,000,000	
Ireland …………………………	200,000	
		3,200,000

Sicily		400,000
Portugal		2,100,000
Joint Charge		54,308,453
SEPARATE CHARGES.		
Loyalty Loan	113,416	
Interest on Exchequer Bills	1,600,000	
		1,713,416
Total Supplies		56,021,869
Irish Proportion		6,569,000
		49,452,869
Irish Proportion of 54,308,453*l.*	6,389,000	
Ditto Civil List and other Charges	180,000	
	6,569,000	

With respect to the Sicilian subsidy, he had to intreat the indulgence of the Committee for a great inattention on his part, namely, in having omitted to lay before parliament the last treaty with Sicily, on which that vote was founded. He had erroneously apprehended that the treaty was already on the table of the House, and it was but three or four days ago that he discovered his mistake. To-morrow, however, or the next day at farthest, he would take care to present it to the House, and he hoped they would accept that apology for his omission hitherto to do so.

He would proceed to state the various articles of Ways and Means, by which he proposed to meet the 49,452,869*l.* of supply to be provided by England:

WAYS AND MEANS, 1811.

Annual Duties		£3,000,000
Surplus Consolidated Fund, 1810		1,353,715
Ditto 1811		5,000,000
War Taxes		20,000,000
Lottery		300,000
Exchequer Bills		4,000,000
Vote of Credit		8,000,000
Loan in 6 per Cent Stock	4,981,300	
in 3 and 4 per Cents	7,500,000	
		12,481,300
Naval Stores		420,364
		49,555,379

It thus appeared that the total of Ways and Means exceeded the total of the Supply in the sum of 102,510*l.* The Committee would, however, expect that he would enter into an explanation of the grounds on which he calculated the surplus of the Consolidated Fund of the present year, at the sum of 5,000,000*l.* To do this, it would be necessary for him to detail the produce at which he estimated the various articles that went to the constitution of that fund. He took the customs at 5,134,000*l.*; being the average of the produce of the two last years. He had taken a similar average last year, being then 4,485,333*l.*, but in fact the Customs had produced 4,987,391*l.*; being about 500,000*l.* beyond the calculation. So with the Excise, he proposed to take it on the average of the produce of the two last years, or 17,167,000*l.* Of this article he had also taken a similar average last year, being then 16,880,625*l.*; but the Excise had produced 17,399,312*l.* This mode of calculation afforded him a fair scheme of estimate; for although the Customs for 1811 fell short by about 200,000*l.* of the customs of 1810, yet the Excise for 1810 was surpassed by that of 1811 to a similar amount, the excess of the one balancing the deficiency of the other. The produce of the Assessed taxes had last year been estimated at 5,860,000*l.*; they had actually produced 5,781,831*l.* and he would take them for the present year at 5,800,000*l.* The Stamp duties he had last year estimated at 5,193,000*l.*; they had actually produced 5,302,743*l.* The great increase in these duties during the last year completely justified him in the statement which he had at that period made, that the whole charge of the year might be defrayed out of their excess. To this statement, however, he had added the observation that it was not probable the same excess would exist in the succeeding year. He should therefore take the amount of the stamps for the present year only at 5,300,000*l.* The Post-Office revenue was estimated by him last year at 1,194,000*l.* the actual produce was 1,276,000*l.* and he proposed to take it for the present year at 1,280,000*l.* He could not pass over this particular article without directing the attention of the Committee to the great increase that had taken place during the last two or three years in the receipts at the Post-office. In 1809, the Post-office had produced 1,083,000*l.*; in 1810, 1,194,000*l.*; and in 1811, 1,276,000*l.* being an increase on the average of about 90,000*l.* a year, and that not from any additional duties on postage, but simply from the augmented commercial communication of the country. It was clear, therefore, that by taking the amount for the present year only, at 1,280,000*l.* an opportunity was afforded to parliament, if they should think it wise and expedient to avail themselves of it, to relieve Scotland, and other distant parts of the empire, without the danger of any diminution of the estimated revenue. The Hawkers and Pedlars, and sundry small branches of the revenue he would take at 106,000*l.*; Personal Estates and Pensions at 156,000*l.*; the Land Tax at 1,038,000*l.*; the Surplus Exchequer Fees at 54,000*l.*; the Tontine at 24,000*l.*; the Crown Lands, &c. at 66,000*l.*; and the Imprest Monies at 200,000*l.* making the total of the estimated receipt of the existing permanent taxes for the present year, 36,322,000*l.*—To this must be added 2,240,000*l.*; being the amount of the war taxes appropriated to the Consolidated Fund; and the grand total would be 38,562,000*l.*; which being deducted from the estimated produce of the Consolidated Fund, would leave a balance of 5,649,000*l.* He would, however, take the surplus only at 5,000,000*l.* and would presently account for the disposal of the balance. With the exception of last year, when the surplus of the Consolidated Fund was 5,753,715*l.*; of the preceding year, when (from peculiar circumstances) it amounted to 7,019,774*l.*; and of the year 1803, when it was 5,936,651*l.* that surplus had at no period exceeded, or even reached 5,000,000*l.* This was a highly satisfactory circumstance, in contemplating the state of the finances of the country.

The next item which he thought might require some explanation, was the amount of the estimate for the War Taxes for the year ending the 5th April, 1812. This estimate was 20,484,000*l.* The grounds on which he calculated he would state as briefly as possible: The average produce of the Custom and Excise war duties for the last three years, was 9,296,805*l.* The produce of the last year was 9,727,213*l.*; but he thought it better to take the average of the three last years. Four hundred thousand pounds remained due from the East India Company. These sums, added together, made 9,696,805*l.* The next produce of the assessment of the Property Tax for the year ending April 5, 1811, was estimated at 11,800,000*l.* This was 400,000*l.* more than the sum calculated upon as the probable produce, though less than the produce of the preceding year, on account of the great amount of arrears received in that year. The amount of the outstanding arrears of the Property Tax from 1804 to 1810, was 2,246,644*l.* Of this sum, it was expected that a part would be returned by schedules, and part might not be recoverable; he would suppose one-fourth, or 560,000*l.* Deducting this, the amount, therefore, of outstanding arrears that might be expected to be received, was 1,686,644*l.* Of the estimated produce of the duty for the year ending the 5th of April, 1811, (namely 11,800,000*l.*), 4,864,267*l.* had been received: 6,935,732*l.* therefore remained to be received. This, added to the 1,686,644*l.* expected to be received of the arrears of former years, made 8,622,000*l.*; which, with the estimated nett produce of the assessment of the present year, which he would take at the same as the last, namely, 11,800,000*l.*, gave 20,422,000*l.* From this, however, must be deducted the sum of 7,524,000*l.* remaining to complete the grant of 1810, leaving a balance of 12,898,000*l.* to be received on account of the property tax. Let this be added to the estimate of the war taxes, 9,696,805*l.* and the result would be 22,594,805*l.* There were war taxes, however, to the amount of 2,240,000*l.* already pledged for the interest of the debt, and which must therefore be deducted, leaving the balance to be received 20,354,805*l.* He would, however, take it at 20,000,000*l.*

He now came to the consideration of the Loan, and of the Ways and Means in aid of the revenue to meet the expences of the year. He had already explained to the Committee the state of the Loan made in the 5 per cent. stock, and the Exchequer Bills funded in the present session. These amounted altogether to 12,000,000*l.* by which a capital was created in the 5 per centum stock of 12,444,711*l.* The interest on this capital was 622,235*l.* The Sinking Fund 124,447*l.* The charges of management 3,733*l.* making a total of 750,416*l.* to be annually provided for, for the loan in the 5 per cents. By the loan of 7,500,000*l.* for which he had that morning contracted, a total charge would be incurred of 465,403*l.* 10*s.* The capital created was 7,500,000*l.* in the 3 per cents. reduced; 1,500,000*l.* in the consols, and 1,500,000*l.* in the 4 per cents. For each hundred pounds subscribed, the subscribers were to have 100*l.* in the 3 per cents. reduced, 20*l.* in the consols, 20*l.* in the 4 per cents. and 6*s.* 11*d.* in the long annuities. By a calculation made on the price of stocks on the Saturday before, it appeared that the 100*l.* in the 3 per cents. reduced, which was on that day 64⅛th, was equal to 64*l.* 2*s.* 6*d.* That the twenty pound in the consols, which were at 65⅛th, was equal to 13*l.* 0*s.* 6*d.* and the 20*l.* 4 per cent. which was at 80⅛th, was equal to 16*l.* 0*s.* 6*d.*; These sums amounted to 93*l.* 3*s.* 6*d.*; and if to this were added the value of the 6*s.* 11*d.* long annuities, namely, 5*l.* 17*s.* 10*d.*

the whole would be found to amount to 99*l.* 1*s.* 4*d.* There was a discount, however, of 3 per cent. on the payment of nine months, amounting to 2*l.* 6*s.* 6*d.* and there would, therefore, be a bonus of 1*l.* 1*s.* 10*d.* on every hundred pounds subscribed. He apprehended that a more favourable loan to the public than the present could hardly have been expected; and he had the satisfaction to state to the House that he understood that it was already at a premium of 1*l.* 10*s.* per cent. It had been contracted also with the expectation that the funds were in such a state as to afford every reasonable hope of an improvement, rather than of a diminution of the advantages to the subscribers. The amount of the interest on this last loan would be 355,937*l.* 10*s.*; of the Sinking Fund 106,112*l.*; of the charges of management, 3,344*l.* making a total of 465,403*l.* 10*s.* which added to the total of the other loan, made the grand total of charge on the two loans, 1,215,819*l.* The rate per centum, including all charges paid by the public, was, on the 7,500,000*l.* loan, 6*l.* 4*s.* 1¼*d.*; on the 12,000,000*l.* funded, 6*l.* 5*s.* 0¾*d.* The rate of interest to the subscribers on the 3 per cent. loan, was 4*l.* 14*s.* 11*d.* per cent.; on the 5 per cent. loan, 5*l.* 3*s.* 8¼*d.* per cent. The difference on the charges being not quite one shilling per cent. and which difference was attributable to the Sinking Fund. The rate per cent. on the whole debt created, paid by the public, was 6*l.* 4*s.* 8¼*d.* It was a great satisfaction to him to state that so large a portion of the loan of the year had been funded in the 5 per cents. For on a comparison of the 3 per cents. at present with the 3 per cents. of last year; and of the 5 per cents. at present with the 5 per cents. of last year, the Committee would be surprised to observe, how little disadvantageous the bargain in the 5 per cents. had been as compared with that in the three; the 5 per cents having been much more stationary and not proportionably depressed. When last year 8,500,000*l.* only was funded in the 5 per cents. instead of 12,000,000*l.* as in the recent instance, the expence created was 6*l.* 4*s.* 7¼*d.* per cent. In the recent instance the expence created was 6*l.* 5*s.* 0¾*d.* per cent. making a difference of only 5½*d.* per cent. between the two charges. The difference in the 3 per cents. in the two years was much greater. Last year the expence was 5*l.* 13*s.* 3*d.* per cent. this year the expence was 6*l.* 4*s.* 1¼*d.* Last year the interest was 4*l.* 4*s.* 2*d.* per cent.; this year it was 4*l.* 14*s.* 11*d.* making a difference of above 10*s.* per cent. This was to him a satisfactory reflection, as he had so pertinaciously persisted in procuring the whole of the 12,000,000*l.* to be funded in the 5 per cents.

Having thus stated that the whole of the charges created by both loans, was 1,215,819*l.* he should next submit to the Committee the mode by which he proposed to meet these charges. Before he did this, he must add, that it was his intention to recommend a repeal of the duty on Hats, which, ever since he came into office, had continued to decrease in amount. When this tax was first levied it produced 60 or 70,000*l.* He did not suppose that fewer hats were worn than formerly; but the fact was that the produce of the duty last year was only 29,332*l.* It had been gradually diminishing. In 1808 it was 38,000*l.*; in 1809, 33,000*l.*; in 1810, 31,000*l.*: and in 1811, as he had already stated, only 29,332*l.* This was a rapidly decreasing ratio. He was aware therefore, that in giving up the duty he did not give up much, for it was gradually wearing itself out. It was the cause of great vexation and trouble to the persons carrying on the trade of hat dealers, and particularly to those who dealt on fair terms, over whom the dealer who was disposed to second the fraudulent wishes of his customers, by omitting the stamp, had a very unmerited advantage. The Committee was aware that a similar duty on gloves had formerly been abandoned. Before he came to the resolution of proposing the repeal of the duty on hats, he had seriously considered whether it might not be collected in some other manner; but after a good deal of deliberation he was persuaded that no mode could be adopted which would not be so inconvenient to the trade and to the public, as to render it highly unadvisable. He begged leave, that if in consequence of the repeal of this tax, it should happen that any persons might be led to imagine, that although the duties on gloves and hats were abandoned, it might be expedient to impose others on coats, waistcoats, shoes, or leather breeches, and in consequence to suggest such new duties to government, it might be a great relief both to those persons who were so kindly ready to furnish the Chancellor of the Exchequer with the Ways and Means of the year, and to that individual himself, to state that he did not consider it expedient to tax articles of ress. This notice would not appear superfluous to the Committee, if they were ware how many letters he was constantly receiving, in which not only every habiliment which could be named, but even the bolts, handles, latches, and other appendages of doors and windows, were recommended by well intentioned persons as fit objects of taxation.

He came now to that part of his duty which was always considered as the most irksome and unpleasant; but on the present occasion he had the highest satisfaction in stating to the Committee, that they had already in the course of the session voted taxes to an amount greater than that which was requisite to meet the burdens of the year; and therefore that he should not propose to lay on a single new tax. The fact, indeed, was, that the sum voted was much larger than was wanted. Of these new duties which had been imposed, the principal was that on spirits; the nature of which had already been sufficiently explained, which had received the sanction of the Committee, and the Bill to impose which was in a state of great forwardness. The probable amount on British spirits from the most accurate estimate that he could obtain would be 700,000*l.* The produce of the duty on British spirits in the year ended 5th April, 1811, was 2,505,448*l.* to which, if the Committee added the amount of duty due from the Customs in Scotland, and unpaid for the same year, viz. 360,000*l.* it would make 2,865,448*l.* Upon this the additional duty of 19*l.* 4*s.* 7*d.* per cent. would amount to 551,000*l.* The additional duty of 12½ per cent. upon the present Excise duties on foreign spirits (exclusive of rum), which produced 1,580,000*l.* in the last year, he would state at 200,000*l.* although he did not expect that it would produce so much. There were other taxes, which, although imposed last year, did not begin to operate until the present. Double the amount of the present duty on timber, on the average of the two last years, would be 622,000*l.* An additional 1*d.* per lb. had been voted by the Committee on all cotton wool brought from the American States, and other parts (inclusive of British and Portuguese colonies), being on an average of the last six years, 35,304,000lbs. and amounting to 147,100*l.* On pearl and pot ashes, imported, except from the British colonies, a duty had been imposed of 4*s.* 8*d.* per cwt. On the average of the last six years, the quantity imported annually was 111,000 cwt. making the sum of 25,900*l.* The duty on foreign linen, in proportion to the quarter ending 5th January, 1811, (when the duty first had full effect) would amount to 71,600*l.* These various sums, added together, would give 1,617,600*l.* The Committee would, however, be aware that these duties were of course subject to such diminution as might be occasioned by the discouragement of the articles on which they were imposed. This diminution would probably not be very considerable for some period; but he had no doubt, and, indeed, sincerely trusted, that they would ultimately be very much diminished, as in proportion to that diminution would the encouragement to English articles increase. These duties he proposed to go in accumulation of the war taxes, and he conceived, that in giving 866,600*l.* to the war taxes he should not be unjustified in taking from them 465,403*l.* which sum, added to the produce of the two duties on spirits, viz. 751,000*l.* would give him the 1,215,819*l.* which he required. Then, however, there would be a balance of 300,000*l.* of the war taxes unappropriated and applicable to the ways and means of the year, and also 600,000*l.* of surplus of the consolidated fund. The Committee must recollect, that these new taxes had been voted at an advanced period of the year, one quarter having nearly elapsed, and a consequent deficiency of one fourth ensuing; it would therefore be expedient to meet this deficiency out of the surplus of the Consolidated fund, and 250,000*l.* must be deducted from the 600,000*l.* on that account.

He had now to submit to the Committee a very important consideration, to which he should call their most serious attention. As soon as the the present subject was finished his right hon. friend (Mr Foster) would proceed to lay before them the situation of the finances of Ireland. His right hon. friend would have to state that he had borrowed for the service of Ireland 2,500,000*l.* in that country, and that he had borrowed 4,500,000*l.* in England for the same service. To meet the expences of the loan raised in Ireland, his right hon. friend was ready to propose the necessary taxes; but he (the Chancellor of the Exchequer) had no hesitation in saying that he trusted the Committee would agree with him in thinking that, in the present distressed state of the Irish

Finances, it would not be wise or expedient to call on his right hon. friend to lay taxes on that country for the purpose of meeting the expences of the loan of 4,500,000*l.* raised in England. It was therefore his intention to propose to the English members and the Irish members of the House of Commons, that the expences of that part of the loan raised for the service of Ireland should be charged on the Consolidated Fund of England (as a loan to Ireland) in order to procure the public creditor a permanent security, and for at least a twelvemonth, while an inquiry was making into the finances of that country, to bear the interest of the money so raised. He trusted that the Committee would be of opinion, let whatever might be the issue of that inquiry, that it would be advisable to come forward in the way which he recommended, and out of the comparative affluence of the English finances, to afford aid to Ireland in the hour of her particular embarrassment. With a view of furnishing the Committee with the means by which this great good could be effected to Ireland, without any inconvenience to this country, he had forborne to take more than 5,000,000*l.* from the surplus of the Consolidated Fund, leaving a sufficient sum to meet the proposed charge. Though this was a novel proposition, he was persuaded that it would be received without grudging, or any indisposition on the part of the Committee, to afford to Ireland that assistance which he had shewn could be afforded to her, without any material inconvenience to Great Britain. He repeated, that the inconvenience would be immaterial; for what was the nature of the additional taxes, by which the surplus of the Consolidated Fund would be so much increased as to enable the Committee to do that which he recommended? The duty on British spirits had been founded on a principle which had over and over again been recognized by the Committee as just. After the experience of last year, namely, having found that spirits had continued to be sold at the increased price to which they were raised when distilled from sugar, there were no reasons to suppose there would be any diminution in the consumption of the article from the very small advance on the price which the present duty could be expected to occasion. With respect to the other duties, they were all recommended to the Committee, on views very different from those connected with finance. They were proposed expressly for the purposes of endeavouring to procure for British shipping those imports, which the war in which the country was engaged, necessarily limited (and which were now enjoyed by foreigners); and of encouraging the exertions of British manufactures, and the consumption of British colonial produce. Policy would have dictated these measures without any reference whatever to their beneficial tendency with respect to finance. He was therefore justified in saying that Ireland might be assisted without prejudice to Great Britain, and he trusted that the assistance would be received in Ireland as it would be given in this country; namely, as affording a mark of our disposition to lend every possible aid to Ireland under the embarrassed circumstances in which she was placed, and as tending to enforce the necessity and the policy of either country stepping to the support of the other, when the one was able to give, and the other so situated as to require assistance.

He believed that he had now stated, as fully and distinctly as he had it in his power to do, all the considerations immediately connected with the subject before the Committee. He trusted that he had not omitted any necessary explanation; but before he sat down, he wished to mention a few circumstances, in order to shew the general increase of the revenue, and the affluence of the country. For this purpose he begged the attention of the Committee to the increasing produce of the Customs and Excise, during the last five years. In the year ending the 5th April 1807, the produce of the customs was 9,612,000*l.* in 1808, 9,123,612*l.* in 1809, 8,508,258*l.* in 1810, 10,536,775*l.* and in 1811, 10,523,169*l.* being an increase of near a million since the year 1807. The produce of the excise in the year ending 5th April 1807, was 23,740,518*l.*; in 1811, 24,646,022*l.* In the intermediate years the advance was gradual, with the exception of 1809, in which year there was a considerable falling off, the produce being only 22,837,856*l.* In the two succeeding years, however, this depression was completely recovered. An inquiry into other articles of general consumption, would contribute to shew the increasing opulence of the nation. The produce of the duties on cotton wool imported into the country in 1807, was 543,526*l.*; the produce in the year 1811, was 1,034,142*l*. The duties on deals and fir timber imported in 1807, were 566,247*l*. In 1811 they amounted to 642,104*l*. The excise duties on tea in 1807, were 2,844,395*l*. In 1811 they amounted to 3,236,027*l*. This last was a more extraordinary increase, as the article was under most heavy taxation, and as the increase took place after the operation, from which so much mischief was anticipated, of the reduced duty on coffee. All this could be accounted for only by the general augmentation of wealth in the country. Of this increasing wealth a most striking instance was afforded in the consumption of wine. In 1785 the quantity of wine consumed was 14,550 tons; in 1786, 15,087 tons; in 1787, 14,780 tons; making the average of the three years an annual consumption of 14,800 tons. At that period the average price of port wine was 70*l*. 11*s*. 6*d*. per pipe. In 1807, the quantity of wine consumed was 24,090 tons: in 1808, 24,757 tons; in 1809, 22,331 tons; the average of these three years being an annual consumption of 23,726 tons. At the former period the duty was 30*l*. per ton; at the latter 95*l*. The average price at the former period being 70*l*. 11*s*. at the latter period 192*l*. 14*s*. per ton: so that under both the increase of duty and the increase of price the consumption had increased. He could hardly conceive it possible to adduce a more striking instance of general prosperity. The average consumption of tallow, for the three years ending in 1787, was 210,174 cwt. The average for the three years, ending in 1809, was 347,170 cwt. The price at the former period was 2*l*. 8*s*. 8*d*. per cwt.; at the latter period, 4*l*. 11*s*. being one-third more. Nor did this increase in the consumption of tallow arise from any decrease in the consumption of oil. The average consumption of oil for the three years, ending in 1787, was 9,730 tons: the average consumption for the three years, ending in 1809, was 19,126 tons. The price at the former period was 19*l*. 18*s*. 9*d*. per ton; at the latter period 32*l*. 9*s*. The average quantity of tobacco annually imported for the three years ending in 1787, was 6,553,000lbs. The annual average for the three years ending in 1809, was 12,461,000lbs. The price at the former period was 8½*d*. a pound; at the latter 1*s*. 7¼*d*. He was aware that these details were very tedious, but he had the consolation of knowing that they were at the same time very satisfactory, as they afforded the most convincing evidence of the gradual and great increase of the riches of the country. The Chancellor of the Exchequer concluded a most perspicuous statement, by apologizing to the Committee for having occupied so much of their time, and by expressing his readiness to afford any further explanation that might be desired. He then moved his first Resolution.

Sir *T. Turton* objected to the Property Tax as unequal and unjust; but congratulated the right hon. gentleman on the terms on which he had procured the loan.

Mr. *Baring* objected to the tax on cotton, as only likely to produce serious injury to the country. This was not perhaps the proper stage for entering into the discussion minutely, but he could not help observing that a duty on the raw material, which would make a difference of 4*d*. in the pound, upon an article not worth above 12*d*. per pound, at present, should not be adopted with precipitation. He was sure the right hon. the Chancellor of the Exchequer would find, upon inquiry, that such a tax would have an injurious operation upon the manufactures of the country. As to the timber tax, he thought it would have a tendency to exclude the timber from the Baltic, and, perhaps, in that view was beneficial, as a means of encouraging our trade with our own colonies, and with America, but as an article of revenue he did not know that any expectations should be founded on it.

The *Chancellor of the Exchequer* said, that the tax had been already proposed, and was in an advanced stage at the present moment. He denied that there would be any apprehension from it of injury to our manufactures. We had much cotton in our own colonies, and there had been of late years a greater fluctuation in the price of that article than the addition of this duty would effect, notwithstanding which, it had continued to prosper. There was, besides, an immediate quantity on our hands, and much would be obtained from different parts. As to the duty upon timber, he was prepared to expect the effect described by the hon. gentleman, and had provided against any failure by a larger estimate.

Mr. *Rose* said, that if any inconvenience was to occur which might prevent the importation of cotton wool from America, it might be brought from the East Indies to any amount.

Mr. *Baring* stated, that the cotton which came from India sold at 8*d*. a pound, while that from America sold at 12*d.* The coarser could not supply the place of the finer. The produce of our own colonies was extremely limited in this respect; and it should be well considered whether it was right to give a preference to the cotton of the Brazils above the cotton of America.

The Resolutions were then agreed to.

IRISH BUDGET.] Mr. *Foster* said, he should not occupy the time of the Committee to any great length, but would proceed directly to the subject of the Ways and Means for Ireland. The interest of the debt was 4,279,000*l.* and the estimated vote of the present year, 6,569,000*l.* Ireland had been deficient in the last year, 1,866,000*l.* making, in Irish money, 2,011,000*l.* The surplus of the Consolidated Fund for the last year was 740,000*l.* the revenue of the year was 4,500,000*l.* a loan had been negociated at 2,500,000*l.* An act had been passed for raising 1,000,000*l.* by Treasury Bills, and 4,500,000*l.* was raised in Great Britain, making in the whole 13,615,713*l.* which left 200,000*l.* beyond the Supply. He then proceeded to state the Ways and Means for meeting the interest of these sums. It was not his intention, as his right hon. friend had already stated, to raise taxes in Ireland, under the present circumstances of that country, to the whole amount. The measure by which he was relieved from that necessity was a proof not only of great liberality, but of great wisdom; and as Ireland was a country of ample resources they might look forward to a future period, when she would be able to discharge the obligation. The taxes he should propose were not many; he had laid down one principle, which, as often as it could with convenience be resorted to, he was desirous to adopt, and that was the equalization of the taxes of Ireland with those of England, in the correspondent articles. There was one article which had always been a subject of taxation in Ireland, ever since a tax was known there, he meant tobacco; the tax at present was less in that country than in Great Britain; and he should propose to make it equal. The produce of this he estimated at 221,000*l.* The next tax was on hemp, which he intended to increase also up to the British standard. This would give a sum of 8,000*l.* and both together would make 229,000*l.* Of this sum 150,000*l.* would meet the charge upon the 2,500,000*l.* loan, at six per cent. and 50,000*l.* the interest upon the 1,000,000*l.* Treasury Bills at five per cent. leaving a surplus of 29,000*l.*—There were two other taxes he should propose, without relying on them much, as he did not conceive they were likely to produce any important addition of revenue. The first was to place the duty on Timber imported from the United States of America on the same footing with that imported from other foreign countries. The United States were now on the same footing with our own colonies. There was one article, however, which came under the head of timber, on which he thought it advisable to reduce the tax, the article of staves; being so necessary to our export trade, and being capable of being supplied from our own colonies, he should in a great measure relieve them from the duty which, in the other case, he proposed to equalize with that of England. The next was a duty on cotton wool imported in foreign ships, which he would also desire to raise to the standard of England. At present the duty in England on cotton wool imported in foreign ships, was 1*l.* 5*s.* 6*d.* in the hundred weight, and the British ships, 10*s.* 6*d.* In Ireland it was much less, and the consequence of this difference was, that the timber brought to any of the ports of Ireland in foreign ships was put into British ships and sent to England, and the law by that means evaded. These were all the duties he should propose, and he would follow the example of his right hon. friend in removing the duty upon hats in Ireland.—He should be sorry to sit down, after the various reports that had gone abroad respecting the situation of the sister kingdom, if he did not endeavour to correct some misrepresentations as to the state of its prosperity. For this purpose he had procured an account of the imports and exports, which would put the subject in a clearer light. From these it appeared, that before the year 1802 the exports had never been known to rise above 7,000,000*l.* in 1808 they advanced to 10,000,000*l.* but in 1809 they failed; again in 1810 they rose to 10,711,000*l.* and upon an average of the last three years, they were upwards of 10,000,000*l.* annually. The foreign goods exported previous to 1802 had never exceeded 370,000*l.* but since that period the amount was progressively increasing, until, in 1810, it advanced to 840 000*l.* and, in 1811, to 920,000*l.* Upon the whole, the balance of trade was in our favour from the year 1802, and in the last year amounted to 2,189,000*l*. The exchange had been steady for the last four or five years. If he were to go more at large into the situation of Ireland, he should state the increase of her tillage, which was so far improved that she had never exported so much corn as in the last two years. The linen trade was declining every where, but less there than any where else. The provision trade had rather fallen off, but there were quantities which went abroad and were distributed among the fleet, which never appeared in the books; so that they should not be too hasty to condemn it as unsuccessful, from the accounts that appeared. Live cattle had been exported in great quantities, insomuch that it had risen from 5,000*l*. to 39,000*l*. or something near it. After the liberal reception which the proposal of his right hon. friend had met from the Committee, he should merely content himself with expressing his consciousness of the liberality of their conduct; and at the same time of declaring his conviction that it would be received and remembered with gratitude by every Irishman. The whole conduct of the United Parliament towards Ireland, with respect to pecuniary matters, had been marked with the greatest liberality. Sums had been readily voted for building churches, for promoting the residence of the clergy, for public institutions, for seminaries of education in Ireland. With regard to trade, warehouses had been extended, light-houses had been constructed; in short, he did not know a single object that served to contribute to the prosperity, the morality, and information of the people of Ireland, which the United Parliament had not most cheerfully and liberally supported. He had no doubt this wise and generous policy would be most amply rewarded in the end. He concluded by moving, that $2\frac{1}{2}$ millions be raised by loan for the service of Ireland.

Sir *John Newport* said, it had often fallen to his lot from time to time, to call the attention of the House to the growth of the Irish debt, and the inaccurate manner of arranging the rate of contribution at the time of the Union. He was willing to make every acknowledgment to the liberality of the United Parliament for its present inclination to assist Ireland to pay off a debt which it was impossible that she could pay herself. He admitted too, that Ireland had improved since the Union, but did not think it followed that she would not have improved with greater rapidity if the Union had never taken place; she had not carried in her improvement a capacity for taxation. In order to accomplish that, it would be necessary to circulate wealth among the middling orders of society, and inspire them with a relish for those comforts to which they were not at present sufficiently inclined; the present generation in all probability would not live to see that change, but until such change were wrought, he should disapprove of extending the taxation to Ireland. There was a portion of the Property Tax which, most unjustly, as he thought, was diverted from the Irish Exchequer to England. This ought to belong to Ireland alone, and if it had been allotted to her, and appropriated to the discharge of her necessities, she would not now be obliged to call for relief. The revenues of Ireland had made no progress adequate to the debt, and it was a fact, of which the right hon. gentleman could not be ignorant, that as soon as any tax was attempted to be increased upon tobacco, wines, or tars, the consumption of those articles fell off, and the produce, instead of advancing, fell back. As to the statement that much of the provisions intended for the consumption of the navy did not appear in the account, it was certainly true; but it was equally true at the present moment, it never appeared in the books.—As to the grants for Education, he knew of no such thing. A Commission had certainly been appointed at his (sir J. Newport) investigation to inquire into the state of the different schools, but no grant had been make in furtherance of any plan, and he hoped that no religious distinctions would be made in the final proceedings to which that Commission might lead; he would state positively that none was intended by those who first suggested its appointment. As to the fact of the merchants being relieved from fees, it was undoubtedly true; but if he was rightly informed, they would rather pay their former fees than experience the inconvenience to which they were exposed in consequence of the present regulation. The building of the lighthouses was an expence defrayed by Ireland herself; and, therefore, would scarcely be selected as an instance of the liberality of Great Britain. No instance had occurred for the last three years, in which her separate charge amounted to within 1,000,000*l*. of the joint charge; this was one of the effects of the rate and quota of contribution adjusted at the Union, which so long as it was acted upon would render the payment of the debt impossible, notwithstanding the promise given at the time, that the consequence of the Union would be to diminish the expenditure by 1,000,000*l.* in time of war, and by 500,000*l.* in time of peace. The right hon. gentleman had taken the revenue last year at 4,500,000*l.* but it had produced only 3,700,000*l.* and yet he persisted this year in taking it at the same rate. Why should he go on with this fallacy? would it not be better for parliament to know, and to meet the evil day? With regard to the taxes proposed, if he (sir John Newport) were to select any one article upon which he would be most unwilling to increase the duty of, that article would be tobacco. All former attempts to increase the revenue from it, had been unfortunate; and he was not sure but that lessening the duty would have been a better way to improve the produce. If Ireland had gone sufficiently into the culture of hemp to supply the consumption, he would readily have agreed to the tax proposed; but as that was not the case, the Committee would do well to pause before they adopted it. Of the taxes on the cotton wool, and American timber, he should only say what applied equally to the British taxes, that he depreciated every thing which looked like commencing a war of duties with America. We had considerable connections with her, which he hoped would long continue. With respect to the staves, he understood that the duty on those from British America was to be taken off, but not on those from the United States; and here again the right hon gent. should be sure that he would get a sufficient supply from British America.

Lord *Castlereagh* said, as reference had been made to a speech of his at the time of the Union, he would trouble the Committee with a few words. The right hon. baronet had represented him as having said that the Union would make a saving of 1,000,000*l.* in time of war, and 500,000*l.* in time of peace; but he should have gone on and stated all he should have stated, that that was not a prophecy, but a mere fact, as it appeared upon the accounts before the House for the three preceding years. He denied that the criterion adopted then was an unjust one, or proved to have been so by any thing that had since happened; on the contrary the impression was, that it was most liberal, and the right hon. baronet had said nothing that could invalidate the general proposition. It never was pretended that Ireland could exist in union with England at the rate of her own internal expences; but what would her situation have been if in addition to her own expenditure, she had to defray the imperial charge which the opponents of that measure were willing to subscribe to? He was sure the best course that could be pursued, was to make Ireland a rich country, and to treat her with liberality; and from the present assistance and disposition of parliament towards her, he augured favourably of any future arrangement.

Mr. *Fitzgerald* was surprised to hear the right hon. baronet talk of the oppression of taxes, at a time when the proposal from England was, to take part of the debt upon herself. He maintained that the imports and exports had increased, and denied that Ireland was treated with indifference by the government. He defended his right hon. friend, for adverting to the advantages derived by Ireland from the government, and more particularly that of an enlarged system of public education.

Mr. *Grattan* observed, that he had never said the Union would destroy, but that it must check the prosperity of Ireland. Its increase in live stock and raw produce was no more than the necessary result of its natural fertility, which scarcely no government, however bad, could entirely stop, much less the present, which only stood in need of improvement. In support of his opinion, that the financial statements made that night and on recent occasions, were much too sanguine, he observed, that in 1792 Ireland exported more linen than she did at present, and that the rate of her increase was much greater during the ten years from 1782 to 1792, than in the eighteen years since.

The *Chancellor of the Exchequer* did not consider Ireland to be in a state of bankruptcy, notwithstanding the opinion which some gentlemen entertained on the subject. There were circumstances which had arisen last year that led to the embarrassment of the finances of that country, and which would render it imprudent to burthen her with any great weight of additional taxation. The resources, however, were abundant, and would ultimately meet the exigencies of the year. Gentlemen had taken a wrong view of the revenue, occasioned, perhaps, by the apparent diminution in her exports; but that, it would be seen upon reference, was to be placed to the account of the increasing consumption for the raw material in the army and navy. The deficit in the custom duties was small, compared with the increase in the export of live articles. The means of estimating the real wealth of the country were generally from the productions of the soil, either in the raw materials or in the agriculture, and then it would be seen that every where exhibited the growing prosperity of Ireland.

Mr. *Hutchinson* was glad to hear the right hon. gent. speak so justly of the capability of Ireland, because it argued a better knowledge of that country than he (Mr. Hutchinson) had been in the habit of imputing to him. Ignorance of Ireland had been the cause of the greater part of her misfortunes, and he wished he could convince that right hon. gent. that the more he knew of the great natural means and resources of that much-gifted country, the better qualified he would be to guide to a prosperous issue the destinies of the empire at large. He had listened with great attention to the statement of the Irish Chancellor of the Exchequer, and he confessed he had heard from him for the first time a new principle of political economy. He had not known before that the exportation of cattle was a very conclusive criterion of national prosperity. His prejudices till now had taught him that a large cattle stock arose from a redundant pasture, and that where there was a far greater portion of pasture it was because the people of that country had not yet acquired either the skill or the means of knowing what to do with the soil. The financial state of Ireland was, and had been for a long period, so critical, that he thought the present subject ought to have been laid before them deliberately, and discussed with a patient investigation. Not that he had any intention of trespassing on the Committee, but he felt satisfied that nothing could tend more to the general interests than a general information upon the affairs of Ireland, and therefore it was he regretted that the two Chancellors of the Exchequer did not agree to postpone either budget to another evening. This would have appeared to him desirable, if it had no other effect than that of avoiding the appearance to Ireland of crouding the question of her interests with an unseemly hurry, upon a discussion that might have already exhausted the attention of the House. With respect to the speech of the Irish Chancellor, he thought if that right hon. gent. had confined himself merely to his financial statement, and followed the example set by the Chancellor for England, he (Mr. Hutchinson) should not have felt himself called upon to trouble the Committee with any observation at that time; but when the right hon. gentleman turned aside, and proceeded so far out of his way to vaunt of the growing prosperity of Ireland, and even to panegyrize himself, his colleagues in office, and the English part of the House of Commons, for their uniform attention and devotion to the interests and welfare of Ireland, then did he feel himself called upon, in the name of his countrymen, to protest against any such claim, and utterly to deny it, as being not only unfounded in fact, but in direct contradiction of it. This he stated of his own knowledge. As to the general plan of taxation, he had one vital objection to it, namely, that those were in general its objects of taxation who were least able to bear it. The right hon. gent. appeared to him to seek, in general, for taxes where little could be got, and not even that little without much and severe oppression. If the Irish Chancellor of the Exchequer came in a manly way to the discharge of his public duty, he could find more fit and more productive objects for taxation than those which he had as yet selected. Of the tax upon tobacco he disapproved, because he thought it would be at once harsh and unequable in its operation and scanty in its produce. To the tax on timber he had two objections; the first, which was perhaps, the lighter one, was, that it would have the effect of impeding the peasantry in the general improvement of their habitations. It was certainly a most desirable object to diffuse amongst the labouring classes of the peasantry that relish for the substantial comforts of neat and well-ordered dwelling-houses, which could not be long maintained without teaching the virtues of a sober, systematic industry, and giving the peasant a consciousness in that property which must be to him, of all others, the most cheering and consolatory—that of the poor man's home. This tax, however, by raising the price of American timber, must raise the price of all other kinds of timber, and of course very considerably obstruct, if not totally defeat, the progress of so desirable an improvement in the condition of the Irish peasant.—But his second objection was yet more serious. At a period in which our relations with America were so critically circumstanced, he thought that the imposition of such a tax as this must be looked upon by that government with considerable jealousy, they might consider it as almost amounting to a declaration of war. This, therefore, he thought to be the moment at which, above all others, the imposition of such a tax was most objectionable. With respect to the right hon. the Chancellor of the Exchequer for England, he was willing to acknowledge his attention to Ireland in that one instance, and was not indisposed to augur well from it. He hailed it as the beginning of his ministerial attempts for her prosperity, and hoped it would soon cease to be the solitary instance of his good will towards Ireland. Thus much he said freely, but more he could not say. He could not go beyond that night. He repeated his declaration, which he had made of his own knowledge, that down to that night, nothing had been done to justify the claim which had been put in upon the gratitude of Ireland. For what was she to be grateful? Not surely because they had so repeatedly refused to redress her wrongs; not because they had been so long deaf to her complaints and indifferent to her interests? I should be sorry (said Mr. Hutchinson) to say any thing offensive to the House, and should be more sorry if truth could offend them. My charge is one which, however widely it may extend, I would more particularly direct against the ministers. I charge them then with a violation of all the solemn compacts entered into betwixt the two countries since the Union. It is an account of long arrears, from 1801 down to the present time. I charge them with indifference, ignorance, and neglect towards Ireland. I have witnessed in this House, session after session, repeated attempts made to better the condition of Ireland; to plant, as it were, the population in the soil, and give them a rooted interest in her greatness; and uniformly have I seen those attempts resisted and defeated in open violation of the public faith which you solemnly pledged to Ireland in exchange for her independence. I charge you with having refused to four millions the privileges you solemnly pledged yourselves to share with them. The gratitude of Ireland is demanded in return for the measures taking to secure the education of her people. I for one resist the demand—for I myself was an humble instrument in calling upon you to provide in some way for the education of her clergy—that clergy who are to be entrusted with the religion and morals of four millions of your fellow subjects, and, this had been denied me. Let Ireland know the service she has received from you, before her gratitude is thus tauntingly challenged.

Mr. *Foster* distinctly denied that he had ever said that the exportation of cattle was a work of national prosperity. What did the hon. gentleman mean by saying, that if he (Mr. Foster) did his duty in a manly way, he would find another and a more productive tax? he was at a loss to understand the hon. gent. Why could he not speak out? Let him name this better tax, and if he thought it better than his own he would adopt it at once. Would the hon. gentleman name it? Then if he will not, said Mr. Foster, let the people of Ireland blame him and not me, for I have suggested the best tax my judgment could enable me to do, while here is an hon. gentleman who knows a better, and yet refuses to communicate it.

Mr. *Shaw* (of Dublin) could not see why the right hon. gent. should take upon himself to load his hon. friend with the duties of his office, while he kept all the emoluments to himself. His hon. friend in stating his objections to the measures of the right hon. gent. had done nothing more than he had a right to do. Nor could he believe that every member who in the conscientious discharge of his duty objected to any measure brought before the House, was thereby bound to substitute a better in its place. Mr. Shaw then proceeded to observe upon the items of the new taxes, and to compare the produce of the tax on wine, currants and raisins, &c. at stated periods. The total amount of the produce of the duties on wine was, in the year 1809, 365,276*l.* 11*s.* 3*d.* and for the year 1810 it was but 309,014*l.* 18*s.* 11*d.* The duties on teas for the year 1809 produced 500,946*l.* 8*s.* 5*d.* and the same in 1810 produced but 472,009*l.* 14*s.* The duties on currants and raisins for the year 1809 amounted to the sum of 11,920*l.* 2*s.* 5*d.* while those for the year 1810 had fallen to 4,778*l.* 13*s.* 10*d.* Here there was certainly no progressive increase, but an evident progressive decrease. He was sorry he could not persuade the right hon. gent. to put an increased duty upon spirits; that, ndeed, would be a tax productive not only of revenue, but the most beneficial consequences in other respects. The long st that had been read, retailing the number of stills, worms and kegs which had been seized, did not prove that illicit distillation had been suppressed; but that the reduction of the duties had not had the expected effect of suppressing the illicit distillation. He could not join in the sanguine opinion that had been expressed of the great prosperity of Ireland: she had since the Union increased her debt nearly two-thirds: it was then thirty-three millions, and was now eighty-nine millions.

The several Resolutions were then read and agreed to.

HOUSE OF LORDS.

Tuesday, May 21.

Protestant Dissenting Ministers' Bill.] Earl *Stanhope* observed, it was his duty to present to their Lordships the great number of Petitions which he had received from various classes of Protestant Dissenters against this Bill. The first Petition he presented was one from Market Harborough, which the noble earl desired might be read. Which being done, he next moved that the said Petition do lie on the table.

The Earl of *Liverpool* said he had not the slightest intention of opposing the motion. His object in rising was, that, if possible, the time of the House might be saved. He was perfectly convinced that his noble friend had been actuated by the purest and best motives in bringing forward the Bill which was now before the House, and he was satisfied that the object of the Bill had been by many persons much misconceived and mistaken. It was, however, a consideration of great importance, whether the object sought to be attained was equivalent to the inconvenience arising from the agitation and alarm that had prevailed since the measure had been before the House. If there was any one subject more than another in which he thought it impolitic for the legislature to interfere without a real and absolute necessity, it was on religious subjects. However laudable the object of his noble friend might be, still it ought to be considered that the good to be attained by the change proposed was trifling, and that the inconvenience sustained in consequence of the agitation and alarm that prevailed, was very great. Under these circumstances, he suggested to his noble friend the expediency of not proceeding any further, and of withdrawing the Bill.

Viscount *Sidmouth* felt very forcibly the importance which must be attached to what had been stated by his noble friend, particularly as he knew that his noble friend spoke the sentiments of government upon this subject. Still, however, he did not think that his noble friend had made out a case to call upon him to withdraw his Bill. His noble friend had spoken of misconception and mistake, and certainly there had been much misinterpretation and misconception, but if the Bill was allowed to go into a Committee, every thing that had given rise to misconception might be remedied. The noble viscount was proceeding to explain the objects of the Bill, and his reasons for proposing it, hoping the House would indulge him, by allowing him to do so, when

Earl *Grey* spoke to order, observing that no one could be more clearly convinced than himself, however he might differ with him in opinion upon this subject, of the purity of the motives by which his noble friend had been actuated. It was however irregular for his noble friend to enter into a discussion of the Bill at the present moment, when there were numerous Petitions against it to be presented, the regular course being to hear them first.

Viscount *Sidmouth* said, he should not farther trouble the House at that time. It had not been his intention to take up their time long; but he should reserve himself till the second reading, then more fully to explain himself.

Earl *Stanhope* presented several other petitions, from different dissenting congregations in various parts of England, which were severally ordered to lie on the table.

Lord *Holland* rose and said, that he had numerous petitions to present to the House against the present Bill, the first of which he should move to be read. It was the joint petition of the three denominations of the dissenters in and in the vicinity of the metropolis, namely, the Presbyterian, the Baptist, and the Independent. He should say little by way of preface, except that he believed that that, as well as other petitions, would shew, that the people of this country were not so ignorant of the nature and character of a Bill brought into parliament, as not to see and to appreciate its consequences on their civil or their religious liberty. He was happy to hear from the noble Secretary of State, what he had heard from him that night, on the impolicy of such a measure. But, he must say, that the noble viscount had very fairly shaped his course in the proceedings both last session and this. He (lord Holland) had, last June, stated his intention to look with much care and great jealousy at any attempt to meddle with or impair the provisions of the Toleration Act, and he thanked the noble viscount for having so fully explained his views this session. He could not, however, avoid expressing his surprise and regret, that the noble Secretary of State had not taken an earlier opportunity, either last session or this, of stating his prudential objections to the adoption of this measure, instead of leaving it to the present occasion, when the petitions against it were crowding in from all parts of England. He then presented the petition, which was received, and ordered to lie on the table. The noble lord next stated, that he had a great number of other petitions.

The Earl of *Morton* said, it was desirable to know, whether any of those petitions contained matter which reflected upon, or was irregular to be presented to that House.

Lord *Holland* said, that he had been unable to read them all. Several he had read, which contained no such matter. But he should feel pleasure in having them all read to the House, if it should not be too inconvenient in respect of time.

The Earl of *Lauderdale* said, that he also had many petitions to present. Such was, however, the opinion he entertained of the respectability of character of the persons who had framed them, that if there was any intention shewn of casting doubts or reflections on them, he should certainly move, that any one of those which he should present should be read.

The Petitions presented by lord Holland were then received, the preambles read, and ordered to lie on the table. They were from congregations in a number of places in Wiltshire, Essex, Dorset, Berks, Middlesex, &c.; one petition was signed by above 4,000 persons.

The Earl of *Moira* rose, and after some observations on the respectability of the petitioners, declared his readiness to take his responsibility for the propriety of the sentiments they contained. His lordship then presented a great number of Petitions from different places in London, Westminster, Surrey, Middlesex, Kent, Cambridgeshire, Essex, Berks and Sussex, Bucks, Wilts, Leicestershire, Norfolk, Hants, Herts, Derbyshire, Warwickshire, Northamptonshire, Oxfordshire, &c. amounting to about fifty; all which were ordered to lie on the table.

The Earl of *Lauderdale* then rose, and presented numerous Petitions from Bath, the Isle of Wight, Kent, and various other places, with signatures to the amount of more than ten thousand names, all which were taken as read, and ordered to lie on the table.

Earl *Grey* presented a petition from a congregation at Bristol, which we understood his lordship to say, was intended to have been presented by the high steward of that city (lord Grenville). His noble friend could not attend in the House that night, but he was confident from what he knew of his opinions respecting the important subject of toleration, that he was favourable to the prayer of the petition. Ordered to lie on the table.

The Duke of *Norfolk* observed, that persons not dissenters, but friends to the principle of toleration, had signed the petition.

Earl *Grey* then presented many other petitions from Lewes, Portsmouth, Daventry, Colnbrook, Gloucester, and other places, which were also ordered to lie on the table.

The Earl of *Rosslyn* presented several similar petitions from different places.

Lord *Erskine* stated, that he had nearly 200 petitions to present on the same important subject. He should make no other prefatory remark, but say that they contained the same opinions on that question, which he himself maintained on the subject of the toleration act.—These petitions were presented, and ordered to lie on the table. They were from all parts of England, and some of them had an immense number of signatures.

The Marquis of *Lansdowne* then stated, that he had above one hundred different petitions to present to their lordships on the same subject, and of the same tenor. The first petition he presented, his lordship stated, was signed by many persons not Protestant dissenters; several of them beneficed clergymen of the Established Church, who equally with the Protestant dissenters deprecated any interference with the Toleration laws, and was signed by 896 persons. All these petitions were also received, and ordered to lie on the table.

The number of all the petitions received as about five hundred.

The order of the day for the second eading of the Bill was then called for by everal lords, when, after some pause had ccurred,

Viscount *Sidmouth* rose, and said, that n moving the second reading of this Bill, he should make no remarks on the umber of petitions which had been presented against it, as he readily supposed hat the petitioners sincerely believed what hey had expressed with respect to the peration of it. His noble friend, the Secretary of State had truly stated, that reat misconception and misapprehension ad gone forth respecting the Bill, and he ust add, great misrepresentation. The arious public resolutions were, for the reater part, inapplicable to the real objects of his Bill. When the intelligent ind of his noble friend was not quite free rom misconception, he could not wonder t seeing the misapprehensions of others. t seemed to be thought that some change was intended in our Toleration laws. What was it? The object of the Bill, the lauses of which might be amended in the Committee, was merely to give uniformity to the two acts on which our system f toleration was founded; its object was not to exclude any class of dissenters, but o comprehend all, according to the spirit nd meaning of those acts. This was the ole purpose of the Bill. He was led to propose it from information he had a considerable time since received, of what was and is the prevalent mode of executing hose acts. He lamented to think that the ffect of those Bills was, that any ignorant person of depraved morals should be able, by taking the oath of allegiance, by making the declaration against Popery, and ubscribing to certain articles of the church, declaring himself under the 19th of the present king, a Christian and Protestant, and a believer that the Old and New Testaments contained the revealed will of God, to claim his licence, and that his certificate should enable him to preach any where any doctrines he pleased; and that this did, in fact, till 1802, exempt him from many civil and from all military services. At first he could hardly credit that nterpretation of the laws. He could state, but that he feared fatiguing their lordships, nformation from many magistrates of numerous applications at quarter sessions, evidently to obtain these exemptions. He had heard of what he confessed was creditable to a sect of dissenters, wherein they acknowledged these abuses, and expressed their desire to correct them, by the expulsion from among them of such unworthy persons. Could it be supposed that they who so acted to evade the laws, would be deterred by fear of their brethren? He had learned with satisfaction, that though the prevalent interpretation of the law was as he had stated, yet with many well-informed and respectable persons it was not so. In Devon, Norfolk, Buckinghamshire, and in Suffolk, too, he learned, that that interpretation was not admitted. Feeling the abuses that were committed, learning the opinions of enlightened men, and the practice of many respectable magistrates on this subject, he had felt it necessary to bring the consideration of it before parliament. He had been encouraged to do so, by the opinions of respectable persons of magistrates, and judges; and he had stated in June, 1809, that he intended to do nothing but what was with a view to secure the toleration of Protestant Dissenters, as well as the support of the Church of England, of which he gloried in being a member. By this fair standard he had proceeded, and in his Bill there was nothing to be found inconsistent with it. He had not contented himself with the authorities he had mentioned, but had sought farther information, and even communications with various dissenters. From some of them he had received voluntary communications, and with others he had had conversation; and he could truly aver, that though many wished he should take no share in the business, few objected to the measure he proposed. They thought merely, that though the measure was innocent, yet that it might excite in other quarters a disposition to introduce into it objectionable clauses. They did not seem on the whole, to think there was any thing in it materially objectionable. Every class of dissenting preachers, in fact, who had separate congregations, were left by this Bill in the same state as before, with the removal of all sorts of impediments, and the magistrate would know better what was his duty on such subjects. What better mode of attestation could there be than that of several persons of the congregation for those who sought for licences? As to the question of substantial and reputable householders, or householders merely, that was a consideration for the Committee. There was no other regulation but to relieve them from different practice at different Quarter Sessions. The second point applied to such as had no separate congregations. He did not expect to meet with any difficulty on this subject from the quarter whence it arose. It would be a farce to talk of toleration, he confessed, and at the same time to exclude this class of persons from the rights allowed to other Protestant Dissenters, though he must say, that he knew they had often given great pain and vexation to many most excellent and meritorious beneficed clergymen. Yet he must in candour admit, that hundreds and thousands of people would, through our own unpardonable and abominable neglect, be deprived of all moral and religious instruction, were it not for the services of these persons. Millions in this country were indebted to them for their religious instruction. We were not at liberty to withhold the only means of moral and religious knowledge. He had not, therefore, excluded such persons, which would have been contrary to indispensible and eternal justice.—The third point of his Bill related to probationers. He had, on that point, proposed that six persons should sign their belief of the sober and exemplary life, of the capacity, &c. of the individual. What test could be more moderate? His object was to follow up the principles of the toleration laws, which never meant, that any person should assume to himself the privilege of a preacher and teacher, and exercise such important functions without some attestations. Any person under the Bill might then be chosen, nay, he might be said even to choose himself, if he procured such attestations. He confessed he did, confidently, but as he had found, vainly, expect that he should have had the consent of all sects and descriptions, who felt what was due to the purity, sanctity, and dignity of religion. All he was apprehensive of was, that some friends to the established Church might think the Bill would be inefficient for what was requisite; but he never thought that any Protestant Dissenter would consider it inconsistent with the wise and just enactments of the toleration laws. He learned that in the customs of dissenters, probation was necessary for the proof of the gifts requisite for the ministerial office. Therefore he had merely proposed that three Dissenting Preachers should sign a testimony in the probationer's favour. In our own Church, by our Ecclesiastical laws, there were certain probations and attestations to be made. A deacon must have the testimonials, of three clergymen to his life, gifts, &c. His name must also be read three times in church. He did not mean to say that this always prevented improper introductions, but that such were the precautions that were observed by law.—Though he had received much information on the subject, no man should be placed by him in an unpleasant situation by his stating his name, though there were noble lords present who knew what information he had received. From the Itinerant Methodists, of whom he did not wish to speak disrespectfully, he had grounds on which he expected their approbation. He had formed his opinion from those of magistrates and respectable gentlemen of various descriptions. Objections had been started at first by his noble friend, for whom he had much respect (lord Holland) who seemed to think that any man had a right to take on himself the office of teacher on making the Declarations, &c. and that it was not a question for the legislature to take up. He would say that this opinion was utterly inconsistent with the meaning of the Toleration Act. That Act, right or wrong, was a measure of condition. He never could agree to those broad principles. But in some respects, he thought those laws intolerant; where for instance they limited religious doctrines. His noble friend had called the Toleration Act the palladium of religious liberty. What did he admire in it? Its beneficent effects, he had said, in its providing freedom of worship. Could he deny that it was differently acted upon in different counties? In proportion to his admiration of it, his wish should be to render its operation universal. It was not so at present. There was no case, wherein, when the licence had been refused, the party had, at least for many years, resorted to the court of King's-bench. He went to another county. Thus, there was a different interpretation in counties bordering upon each other: let the benefit, therefore, be made universal. If this measure were improper, come at once to the assertion of the broad principle, and try to alter the laws in that way. That broad principle had never existed in any age or in any country. History, both sacred and profane, shewed the importance that had been always attached to the priesthood, which had never been assumed but conferred. He was not so read in the sacred ritings as he ought to be, and he could ouch on them only with great deference. But he had read, "Lay hands suddenly n no man;" and also, that persons hosen for such situations should be "of good report." He could not think of the argument taken from the low condition of those, who, in earlier days, received their divine missions, as applicable to the present times, and as giving authority to the persons he had alluded to, to lay their claims to divine influence, without any attestations of their character and qualifications. The early ages of the church shewed that purity of character was held indispensible to him who attempted to enter into the solemn offices of the priesthood.—The noble viscount next adverted to the abuses which had existed. He stated a case before the magistrates of Stafford, where a man who could not read or write applied for a certificate. One of the magistrates inquired if he could sign his name, his reply was, he did not come there to write. The magistrate told him if he would read the act he would find what was required, and he asked him to read aloud. To this the applicant answered he did not come there to read. He was then interrogated if he could write? his reply was, No; he was not ashamed to own it. Could he read?—No. The magistrate observed how improper it was for him to claim this certificate, who could not read the Bible, the doctrines of which he was about to preach without being able to read the original. To this the other, with an unblushing countenance, remarked, that the magistrate knew nothing of inspiration. It was thus that such a man claimed and procured a certificate, by which he freed himself from every civil burden. Another case he detailed from a letter, wherein an account was given of a practice among a class of independents, in the metropolis, who delivered a sermon full of the grossest blasphemy, whereby the principles of atheism and deism were disseminated among the people. In neither of these instances was it his wish that the Bill should debar them from becoming preachers, but it only required they should have the sanction of persons of their own persuasion. In the whole of this proceeding he had done nothing which he would not have done if he had been a dissenter. If there were any objectionable clauses as they now stood, they could easily be amended in the Committee, and it was his wish and desire their lordships would permit him to proceed to a Committee, and then they might see in what state the Bill would come before them for a third reading. With respect to the Resolutions which he had seen in the public papers, they were totally opposite to every part of the Bill now on their lordships' table. There was one Resolution which imputed a design against the Toleration Act; and he would not say one word with respect to the charity from whence this Resolution arose. However he perceived there was a disposition against the Bill, and probably it would not pass; but having stated his sentiments on the occasion, he would leave it entirely in their lordships' hands, and they might dispose of it as to their judgment seemed most proper. If any motion were made from others, he should throw no obstacle in its way. He should satisfy himself in the conscientious discharge of his duty; because he had throughout been actuated by a wish to render a benefit to the dissenters in general, by instituting a measure intended to promote the honour, the dignity, and the sanctity of religion. The noble viscount concluded by moving, That the Bill be now read a second time.

The Archbishop of *Canterbury* said, after the Bill had received the sanction of the leaders of the different sects, as stated by the noble viscount who brought it in, it was with extreme surprize that he saw the flood of petitions against it, which had that night been poured into their lordships' House. With respect to the difference of opinions on religious subjects in the Christian Church, he observed, that the basis of that religion was the Bible; and he held those to be the most orthodox Christians, who adhered the most strictly to the doctrines laid down in that sacred volume. To explain it was the duty of all mankind, and its interpretation was confined to no particular sect. To use coercion in compelling uniformity, was not only impolitic, but while man was constituted as man, it would be impracticable. The very basis of toleration depended on abstaining from the attempt. That basis would never be infringed by the Church of England, if that Church endured in its existing form. But were it overturned, history afforded them many melancholy examples of the direction which religious toleration might take. This was all he should suggest to their lordships on so delicate a point of his subject. As for the Bill under their view, it appeared to him to embrace two very important considerations, of extreme interest to society and the religious establishments of the country. These objects were, 1st, To unite and give uniformity to the three acts already in existence; and, 2ndly, To render the dissenters more respectable, by precluding from their body those, who were unworthy to belong to any class of religious instructors. Of both of these objects he approved, as they must be of the utmost utility to the community, and highly beneficial to the country. But as the dissenters, who at first approved of the Bill, it now appeared, differed from it, he considered it to be unwise and impolitic to press it against their inclination or consent, who, it must be allowed, were the best judges of what they considered to be for their own interests.

Lord *Erskine* observed, that the numerous petitions presented this evening against the Bill, were only a few of the immense number (to the amount of ten times as many) that would be received, were an opportunity afforded for their transmission from remote parts, by any postponement of the discussion on this subject. But no such postponement was necessary; and he was in hopes he should be able in a few minutes to lay such grounds before their lordships, as would induce even the noble mover himself, to acknowledge that he was justified in proposing the Amendment, with which it was his intention to conclude; namely, that the second reading of the Bill should stand for this day six months. From what had fallen from the noble mover, their lordships would suppose this Bill to be a bill of regulation to explain that, which had been justly called the palladium of religious liberty, the Toleration Act. But instead of that, he would shew that it was a declaratory act, directly repugnant to the spirit and letter of that invaluable act. The preamble, he contended, was a direct repeal of the most important parts of the Toleration Act, which for 120 years had been administered without any difference of opinion or doubt in the breast of any justice or other individual. After the very recital of the Toleration Act, "that persons in holy orders, or pretended holy orders, or pretending to holy orders," should be free from the penal enactments it contained, this Bill went to leave all those classes, except the first (those in holy orders) excluded from these exemptions, and to be provided for by future clauses, to be introduced by the noble viscount; or put to other tests, narrowing those established by the Toleration Act, and granted by their fathers at the glorious æra of the Revolution. Could their lordships, under these circumstances, even permit that Bill to go into a Committee, which in its preamble declared that to be law, which was not law? He most cordially agreed with the right rev. prelate who so liberally and excellently delivered sentiments well becoming the head of the English Church, that the Bible was the work of God, the foundation of the Christion Religion, and that he was the best Christian who best observed its precepts; and, above all, that it was the office of man to interpret that sacred volume. It was against this natural office that the tyrannical laws existing previous to the passing of the Toleration Act were directed, and religious liberty put down, till that act, of which a right exposition had not been made by the noble viscount.—He then noticed two acts against preachers and teachers in unlawful assemblies, subjecting them to heavy penalties, which he severely condemned. It was the intention of the Saviour of the World that his doctrines should be propagated, not by the high and learned, but by the humble and lowly. Not that they were to preach according to this or that liturgy, but as God enlightened their conscience for the purpose of enabling them to express their feelings to their fellow men. He then turned to the Toleration Act itself, and argued that the noble viscount had confounded several sections in it which were altogether independent of each other. The 8th section exempted four orders of the dissenters from certain penalties upon their qualifying themselves in a particular manner, but the preamble repealed this section, except with regard to teachers. Could their lordships do this, or suffer the Bill to go to a committee? It also went to to repeal the 10th and 11th sections, the former applying to Anabaptists and Quakers, and the latter exempting from parochial duties. Supposing the 19th of the King had never passed at all, this preamble could not be admitted, but since that act it was still more inadmissible, as it thrust three out of the four orders enumerated, out of the pale, and proceeded not to leave them the toleration they enjoyed, but to give them toleration on the noble viscount's own terms. They did not want a penalty, as proposed by the noble viscount, to keep a man from inulcating blasphemy. A Dissenter or a Churchman uttering such language, might be indicted and punished, as Mr. Winterbottom had been, to whom he must say rather a hard measure had been dealt out. They wanted no aids of this new Bill, nor sureties of six householders to save them from this. The declaration of his Majesty on his accession to the throne, had filled the hearts of his subjects with delight, and the act of the 19th of his reign had in some measure fulfilled their expectations. It was to relieve those whose scruples of conscience precluded them from taking the benefit of the Toleration Act by subscribing to the tests; and it was impossible that this act, which had for its object the further relief of the Protestants, should be construed as it had been by the noble viscount, into any thing like a repeal of any part of the Toleration Act. That act stood where it was, and no repeal of any of its exemptions took place by the 19th of the King, although it granted further immunities to particular parties therein designated. Let their lordships, then, forget that any petitions had been presented against this Bill, and only consider that it went to repeal these two acts—could they accede to it? The noble viscount was in error when he supposed that itinerant preachers or probationers, by subscribing the declaration, and taking out the license, were exempted from parochial offices. There could be no doubt in the minds of magistrates on this subject, and a single *Mandamus* in the court of King's Bench would decide the matter at once and for ever. The law was as clear as possible in the exemptions and immunities; and if the noble viscount thought these immunities went too far, in cases where the military necessities of the country might be concerned, he might propose to alter that in a much better manner than by trenching on the Toleration Act. There were two millions of persons in the situation of the petitioners against this Bill, whom he recollected in the bosom of the Church, from which they were driven by religious persecution. They were driven to this secession from the jurisdiction of the Church, but not to a very great difference of doctrine. He called on them not to increase that persecution, but suffer all Christians to join in promoting the salvation of mankind, as recommended by the right reverend prelate opposite. He then paid a handsome tribute of approbation to the late lady Huntingdon, and to Mr. Westley, as well as to his followers, for the rectitude of their lives, and abstinence from political affairs. Other strong reasons against the Bill were to be found in the united opposition of Dissenters of every description, as well as Methodists, and in the situation of his Majesty. The King, after his declaration, could be no party to any alteration of the laws, to render them less tolerant; and were he Regent, he would say, While the prerogative is suspended, I will never agree to this Bill. (A cry of Order!) He apologized for any disorder, and concluded by moving, as an amendment, "That the Bill be read a second time this day six months."

The *Lord Chancellor* felt convinced, that no man was more averse to breaking in upon the great principles of the Toleration Act, than his noble friend who proposed the Bill. The different modes of interpreting that act, were, however, facts incapable of contradiction; and if a man was refused a licence in one county, it was much more easy for him to go to another where he might obtain it, than apply for a mandamus to the court of King's bench, which was necessarily accompanied with considerable expence. He also knew, that the late act explained the exemptions as to the Militia: but there were great doubts as to who were entitled to such exemptions. To shew the laxity of interpretation which prevailed at one time, he could recollect that in his younger years, and when he was liable to be drawn for the militia, it was proposed to him to get himself exempted by paying sixpence for a licence. He knew the law was so understood at that time; erroneously unquestionably. He had known of some instances that occurred among those persons who came to take the qualifications of the most total ignorance. There were some who could neither read nor write, and who absolutely, when the name of another was written down, carried it away as their own. He believed the Bill to be well intended, and capable of doing good, but under the present circumstances he thought that to press it on the House would not be advisable.

Lord *Holland* said he would not have spoken, had it not been for some topics that had been urged in the course of the present discussion. The noble viscount had stated, that a misconception had gone forth with respect to this Bill, and that expectations had been held out to him by certain persons, calling themselves Dissenters, as to an approbation of this Bill, and the noble viscount had expressed his astonishment that they had not fulfilled these expectations; now he (lord Holland) hoped, that the noble viscount would not deem him guilty of an incivility, when he said that it was rather a misconception of the noble viscount himself, as to the effects and consequences of the act itself, which he now proposed. It was no light matter to tell that numerous class of persons, called Dissenters, that they were so stupid as not to understand acts of parliament that related to their own concerns, and it would have behoved those who so charged them, to have looked carefully to what would be the operation of this Bill were it to pass into a law, before stating that this deluge of petitions had been brought to the House upon a misconception of the nature of that Bill. There were two accusations of a very inconsistent nature also thrown out against himself; he had been supposed to hold out doctrines so devoid of religious liberty (he should not call it toleration) that if they were acted up to, they would tend to subvert religion itself, and to have explained the act of toleration in such extravagant terms, as to be called abominably intolerant. He hoped, that if in the sincere explanation of his own sentiments he had gone beyond the opinions of the House, they were such as he would not shrink from; but at the same time he did not desire their lordships to subscribe to those opinions before they expressed their abhorrence of this Bill. His opinion was, that all those who thought it their duty to interpret the Scriptures, should have the right to adopt their own mode of doing so, and that this Bill was therefore an infringement of their natural rights. He did not say, that if they preached any doctrines that were seditious or injurious to any class of the community, they were not properly liable to punishment. Every man might have a right to carry arms, but it did not follow that every man was entitled to kill whomsoever he met; nor did it follow because the liberty of the press was encouraged, that every sort of libel was to be published with impunity. Every man had a right to interpret the Scriptures according to his conscience and the best of his judgment; and however mean his capacity might be, if he thought he perceived what was the intention of the Great Author of the Scriptures, it was his duty and his right to express his sentiments. In the language of the right reverend prelate, the scriptures were a great largess to the world, a mighty and a free gift to all mankind; not restrained to the disciples or discipline of a peculiar church, but given for the benefit of the world. He considered the Toleration Act as the great religious charter; and religious liberty could not subsist, unless it was perfect and secure. In the language of Locke, it was equal and impartial, and entire liberty, of which religion and religious men stood in need. The Toleration Act had two parts. One of them was a most generous and liberal concession to the people; and the other was nothing beyond a bare and scanty admission of an undoubted right. In one of those parts a crowd of laws were merely done away, which were a shame to the statute book; laws that ought never to have existed; in the other, it was enacted, that on signing certain articles, an immunity from specified inconveniencies should be given to dissenting ministers. He was always unwilling that questions of this nature should be stirred. He would not go into the question, but if it pleased the House that the Toleration Act, which had slept for an hundred and twenty years, should be roused once more, he was ready to meet the whole discussion. When the noble viscount had given notice of his measures the House could scarcely have the aspect in which it was afterwards to look upon them. But at every repetition of the notice, something was added. The evil complained of by the noble viscount was more and more seen to be visionary; but the remedy was seen to be more and more violent. One diminished as the other increased. As to the evils which the Bill was to remedy, there was no document before the House to prove that there was any loss of Militia service by the privileges of the dissenters. The noble viscount had established his opinion on some private letters, on which probably that noble viscount placed much reliance. But, were those things to be documents, authorizing the House to heap disabilities on the whole immense body of Dissenters? One of those letters was from a gentleman, who complained that one of the preachers in his neighbourhood, was an atheist and deist at once; that he denied a first cause, and preached a first cause. And it was upon the testimony of such correspondents that the present Bill was built. No mandamus had been applied or in the King's Bench, and therefore the questions of immunities were to be actually agitated by the House of Lords. If two country justices were to disagree in any point, and the dispute was too trivial for the quarter sessions, it was to be brought before the House of Lords. The part of the Bill which went to force the dissenting ministers to be moral after the fashion of the noble viscount was new, offensive, and tyrannical. This was the distinct meaning of the noble viscount. He would manufacture the dissenting ministers into precisely such men as he would wish to have preaching to himself; but this was not the species of preacher that the dissenters chose. This attempt at measuring the morality of the dissenting minister by the noble viscount's private conceptions, was totally opposed to the principles of the Toleration Act, and was calculated to be eminently offensive and vexatious. What was the mode of qualification? They must find six housekeepers to vouch for their morality. And who were those that were to have the power of bringing forward six housekeepers to speak to character, or who was to deny to the dissenters the right of having humble men for their teachers? Suppose five hundred paupers chose to hear religion from the mouth of a man of their own choosing and of their own class, was it to be said, that the desire was beyond what might be permitted? and where was this teacher to find his six housekeeping vouchers? Or was the argument to be persisted in by those men who were so ready to boast of their attachment to religion, and to acknowledge as one of its glories that it had risen by the labours of humble men, not merely without dependence on, but in opposition to the wealth, and influence, and power of the great of this world? Yet it was not enough for the Bill, that the Dissenting minister should be devout and learned, but that he should be proved so to his congregation. How? by the signature of six housekeepers. Was his ordeal to end here? No; the judgment of the six housekeepers was to be revised by a country justice before the Dissenting congregation could be secure of the teacher whom they had originally chosen for his fitness. The article relating to probationers was unjust and absurd. When a vacancy occurred in the dissenting pulpit, a number of candidates usually appeared, who were to give evidence of their qualities, by preaching, before they had or could have obtained an appointment. By the operation of the article now alluded to, those young men would be subjected to the horrid penalties of the Conventicle act. If this Bill were to pass, they would find 50,000 methodist teachers applying immediately for licenses, for fear of persecution. But though the regular methodist teachers might not have any thing to fear from a prosecution of that nature, since the wise statute of Anne, the whole important body of the itinerants would be exposed to peculiar hazard. The noble viscount had spoken of having had the approbation of many respectable Dissenters on the Bill; but he (lord Holland) had conversed with many on the subject, and he had not found one who did not decidedly disapprove of the entire Bill. It was completely at variance with the original idea thrown out to the House, as he understood it; and he could not doubt that it was also at variance with all that he had ever learnt to revere as the genuine principles of religious liberty.

Earl *Stanhope* said, he never felt more pleasure in his whole parliamentary life than he had done on this very day; and if any one asked him the reason, he would tell him, it was at the immense heap of petitions that was then strewed upon their floor, and piled upon their table, and all against this wretched Bill. He liked this, because a kind of silly talk had been going abroad, that there was no public. He had always thought otherwise. And he saw to day that there was a public, and a public opinion, and a public spirit. He saw it in the multitude of petitions sent up on so short a notice; and he was rejoiced to find that public alive, active, and energetic. He would not talk of the Bill; that was dead and gone; and it would be beneath a man of sense to quarrel with the carcase. The Bill was declaratory as well as active, and it was illegal as well as either. He defied all the lawyers in and out of the House to prove that this wretched and unfortunate Bill was not illegal. He would not condescend to argue every point of it. It was unnecessary to argue upon what was beyond human help. It was all over with the Bill; its hour was come; the Bill was dead and gone; but he must, however, say something on the subject. He hated the name of the Toleration act. He hated the word toleration. It was a beggarly, narrow, worthless word: it did not go far enough. He hated toleration, because he loved liberty, He believed he might say, that he was one of those who had read as many statutes on the subject of religion, not as the lawyers only, but, he might say, as my lords the bishops. He had gone through them with a professional man by his side, and with his pen had abstracted and marked off 300 laws about religion from the statute book; and he ventured to assert they were of such a nature as would make their lordships disgusted with the statute book, and ashamed of their ancestors who could have enacted them. An act, however, was passed in the 1st of Edward 6, who might fairly be said to be the first Protestant prince who had ever reigned in this country, for king Henry the 8th, that Defender of the Faith, could hardly be said to be a real Protestant, by which they were all shovelled away at once; and justly so; for what need had religion of acts of parliament? Was not religion capable of standing by itself? [hear, hear! from lord Sidmouth.] The noble viscount might say hear, hear, but was it not true? If the noble lord did not believe it, he (lord Stanhope) at least did. Was not America religious? Yet there, there was no established religion: there, there were no tythes. In one particular state, that of Connecticut, he was informed there was a law, that if any man voluntarily gave a bond to a clergyman, no suit upon it could be entertained in a court of justice. And for a good reason, because it was the duty of the clergyman to instruct his flock, and to make them good and honest men, and if he had succeeded in doing so, no such suit would have been necessary; and on the other hand, having failed to perform his duty, he could have no right to be rewarded. Oh! if the establishment in this country were never to be paid till they made the people honest, many of them, he was afraid, would go without any reward whatever. He gave notice, that he should, early in the next session, introduce a Bill, in place of that of which he trusted they had seen the last glimpse this night, founded on the equitable principle he had now alluded to. To toleration, as it now existed in this country, he was, as he already said, a decided enemy; but to religious liberty he was the most decided friend, convinced that no restraint should be put on religion, unless in so far as it might seem to endanger the state.

The Earl of *Buckinghamshire,* though he did not disapprove of the determination of his noble friend not to persevere in the Bill, after the opposition that had been manifested towards it, was still convinced that, if the Bill had been suffered to go into a Committee, it would have come out free from many of the objections under which it now laboured, and in such a state of improved regulation, as would have reconciled to it many of those who now seemed hostile to its principle and enactments. He could not deny that the Petitions presented against this Bill were numerous, and that they contained a very great number of signatures. He could, however, by no means persuade himself, that those who had signed the Petitions were fully aware of that against which they petitioned; or that, if the matter were properly explained to them, they would not support, rather than oppose the present measure. This he knew, that his noble friend, while digesting the present Bill, had received such communications on the subject, as induced him to believe, that, in introducing the measure he conferred a boon on those to whom it related, and that there was seldom a measure introduced into that House which had given more general satisfaction. His noble friend on the second bench (lord Holland) had stated it to be his opinion, that it would be for the advantage of religion that every man who chose it should become a preacher or teacher. This was a doctrine in which he could not agree. He thought it would be extremely detrimental to the best interests of religion, and dangerous to the existence of any government, that this should be countenanced.

Lord *Holland* explained, by declaring it to be his opinion, that though every one of the numerous subscribers to the petitions on the table might not be fully acquainted with every minute bearing of the measure against which the petitions were presented, yet, there was not one of them who was not aware of the general tendency of the measure, and that it was injuriously calculated to restrain them in the exercise of their religious doctrines. As to the statement attributed to him by his noble friend who spoke last, that in his opinion, every person who chose it, ought to be allowed to preach in the mode he thought best, he had not gone exactly that length. He had said, and he still maintained, that the cause of religion would be promoted by allowing all those who thought that they had a call to preach the gospel, to do so to those who liked their doctrines, without disability or restraint of any kind.

Earl *Grey* said, that nothing he had heard in support of this Bill had at all shaken his opinion as to its impropriety. He could truly state, that after listening to the various arguments both for and against the measure, he was more and more convinced that it would be a gross infringement upon religious toleration. He was an enemy to the principle of this Bill, which, if carried into execution, would have the effect of increasing that evil, which it professedly was intended to remedy. Civil and religious liberty guaranteed the subject in the performance of those acts, which were not hurtful or disadvantageous to the state. But he would draw this line of distinction between them —that, when an alteration was about to be made in the latter, the proofs and facts which rendered it necessary, should be stated, if possible, more distinctly and clearly, than if the alteration referred to the former. His reason for this was, that where an interference was attempted in matters of religion, a system of persecution might be introduced. The noble viscount had stated that, under the present system the evils and inconveniences were very great: but he would be glad to learn what were those evils? He supposed they must be either both or one of these; namely, persons procuring certain immunities, under pretence of teaching the word of God, which they were incapable of doing, or the persons themselves suffering great inconveniencies from the uncertainty of the law. With respect to the first of these points, he must observe, that there was no opportunity of procuring exemptions improperly; as by the 42d of his Majesty, no person was entitled to them, unless he was the minister of a separate congregation. Nor was that alone sufficient. The party applying was restricted from following any trade, that of a school-master excepted. These regulations were most minutely adhered to, both in the general and local militia; and much as he objected to the Bill, he would be content to withdraw his objections, if the noble viscount could shew him a single instance, since the Act of 1802, where exemption had been obtained improperly by a dissenter. He did not believe the slightest necessity existed for enacting any declaratory law on the subject. They had been told that the persons applying for licences had increased; and he believed they had. But he would ask, did that increase during the last few years render it necessary to introduce the present measure. He thought, by a recurrence to papers then on their lordships' table, the contrary would appear. According to those documents, the whole number of persons, who had been licensed for the last 48 years, amounted to 3,678; for the last 12 years the number was 1,173: for the six years, from 1802 to 1808, the number was 963. It had been asserted, in the course of the debate, that doubts were entertained as to the constructions put upon the Toleration Act. He had given all the attention to this subject which its great importance demanded, and he had then for the first time heard, that any other construction was attempted to be put on this act, but that persons, who were the ministers of separate congregations, had a right to exemptions; and that a declaration to that effect, signed by the party applying, was sufficient. But it was now said, that doubts had arisen, and that different decisions were given in different counties. He had not heard of any instances of this description; and he was assured, if they had extended so much as to render the present measure fit and proper, it was impossible but that he and other noble lords must have been made acquainted with them. If a magistrate in county A. refused an exemption, which was afterwards granted by a magistrate in county B, the right which he assumed thus to act could very speedily be decided by an application to the court of King's bench for a Mandamus. The person, certainly, who had obtained the exemption, would not be likely to apply for the writ. But those who had thought themselves justified in refusing the application, would, in all probability, be inclined to bring the subject forward. If any inconveniences or evils resulted from doubts on the construction of the Toleration Act, he thought they would be most likely to injure the Dissenters themselves. Yet he had heard of no complaint on the subject proceeding from them; they did not seek the introduction of any new declaration or provision. Therefore he concluded, that the alledged evils, if they at all existed, could not have gone to any great length. And, if they were called on to act in every case where inconvenience was felt, there were innumerable instances in which it would be necessary for them to enact declaratory laws. In the game laws, he believed, as well as in those relating to other matters, it not unfrequently happened, that some dissimilarity was observable in the decision of magistrates.

But would any person assert that they were, therefore, to prepare a variety of declaratory laws to remedy the difference of decision. He felt the strongest objection to the Bill. He thought it was most dangerous to interfere with these subjects.—It should never be done, except on grounds of the most grave and weighty description—grounds, which, in the present instance, were not advanced. The measure was inconsistent with religious liberty, and contrary to the provisions of the Toleration act.—It was not, in his opinion, recommended by any one argument; and, therefore, he thought it useless to send it to a Committee.

Viscount *Sidmouth* spoke shortly in reply. He would not be deterred by any thing which had passed, from pursuing that line of conduct which his duty dictated. He understood the exposition of the two acts of Toleration which had been laid down by several noble lords, was that, by the act of William and Mary, a person in holy orders, or pretending holy orders, or a preacher or teacher, was entitled to exemption. While, by the 19th of his majesty, which was intended as a further relief, the applicant must not merely be in holy orders, or pretending holy orders, or a preacher or teacher, but he must be the minister of a separate congregation. Thus, in complying with this act, which was intended for his benefit, he was obliged to assume a two fold character; whereas by the former act he was only called on in one capacity. This was a state of the law which, he conceived, required alteration, and should not be permitted to remain.

The question "That the Bill be now read a second time," was then put and negatived without a division. Lord Erskine's amendment, "That the Bill be read a second time this day six months," was then put and carried. The Bill was consequently lost.

HOUSE OF COMMONS.

Tuesday, May 21.

Mr. Palmer's Claims.] Colonel *Palmer* rose and said, that he should not think it necessary to go at any length into a statement of those claims, which had already been very fully discussed. In the year 1808, after a very ample discussion, the House had recognized the claims of Mr. Palmer (his father), to the per centage originally granted him on the improvement of the revenues of the Post-office. A resolution had been actually passed in the Committee, for a grant to him of 54,702*l.* on account of this claim. But at the close of the session, the Chancellor of the Exchequer prevailed upon the House to withdraw that grant from the Appropriation Act. In the following session an Address was voted to the crown, praying that the claim might be tried, as a question of law, on its own merits. This was a course with which Mr. Palmer would have been perfectly contented; but he was informed by his counsel, that there were difficulties in the case, and that the Address of the House was not binding on the court of law so as to have the claim tried entirely on its merits. Under these circumstances he was obliged again to appeal to the House, to carry its own Resolutions into effect. The course that he should now take would be to move for an humble Address to the Prince Regent, praying him to grant the said sum of 54,702*l.* pursuant to the resolution of the Committee, and assuring him that the House would make good the same. He was aware that there might be some objection to this in point of form. It was usual in applications for money to present a petition, which required the consent of the Chancellor of the Exchequer on the part of the Crown. The present case was, however, differently circumstanced. This was not a first application, but it was an appeal to the House to carry their own resolution into effect. When the House resolved on paying the debts of Mr. Pitt, this was the course taken by them. They addressed his Majesty to grant the money, and promised to make it good. If the House judged that a proper course, in order to get the debts of another individual paid, he thought they could have no objection to taking the same course, in order to pay a debt recognized by themselves to be due from the country to Mr. Palmer. He concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, humbly to beseech his royal highness to advance to John Palmer esq. the sum of £.54,702. 0*s.* 7*d.* being the balance due to him on the net revenue of the Post Office, from the 5th day of April 1793 to the 5th day of January 1808, and to assure his royal highness that this House will make good the same."

Mr. *Rose* said, that before he entered into the subject, he must free himself from the imputation of having been always disinclined to the claims of Mr. Palmer. I he year 1784, he thought it his duty to give every assistance to the plan, and was t that time in the habits of friendship with Mr. Palmer. Mr. Pitt was so far from wishing to deal harshly with Mr. Palmer, hat when the dispute first broke out beween the Postmaster-general, and him, he Postmaster-general (lord Walsingham) ctually conceived for three days, that he himself was removed from office. It was perfectly understood at the time, that the 1½ per cent. was given to Mr. Palmer, not merely as a reward for his invention, but s a retainer for future services. Mr. Pitt was never disinclined to Mr. Palmer, unl it was fully disclosed to him, that intead of checking and controlling the acounts, as it was his duty to have done, e not only neglected that duty, but intructed the officers under him to violate their duties also, for the purpose of counteracting the Postmaster-General. Instead of accelerating the delivery of letters, it appeared in evidence, that he had purposely retarded the delivery. All this appeared in letters in Mr. Palmer's own hand-writing, directed to Mr. Bonner, and by other incontestible evidence. It was clearly proved, that instead of doing his duty of controlling the accounts he had been introumental in the passing of fabricated accounts. Under such circumstances, he believed that there was not a lawyer in the House who would not say, that if his siuation of comptroller to the Post-office had been a patent place and for life, the patent might have been set aside on a *scire facias*, when such instances of gross misconduct in his office had been fully proved. The evidence of Mr. Pitt was clear upon the point of the reward being given, as well for the control and superintendance that was expected from Mr. Palmer, as from the merit of the invention. In this part of what was expected of him, Mr. Palmer had completely failed in his duty. It was on those grounds principally that he felt it his duty to oppose the address.

Mr. *P. Moore* observed, that, if it were necessary to follow the right hon. gent. into his different objections to the motion, it would be easy to refute them: but there would be no use in dwelling upon such objections, as they had been already disposed of by the resolution of that House. Mr. Palmer was, in his opinion, very hardly dealt with; and, as the House had solemnly recognized his claims, he called upon them to fulfil the public faith pledged by parliament. He could not on this occasion but call to mind the flourishing representation of the revenne of the Post-office, made last night by the right hon. the Chancellor of the Exchequer. He had taken down his words, and if he should have mistaken him, he should be happy to be corrected. All this improvement in the Post-office revenue was owing to Mr. Palmer's plan. Before that plan was put in execution, the communication between London and the out-ports, by letter, took place but twice or three times a week, and by a way circuitous, precarious, and perilous. Without the benefit of this plan even the telegraph in time of war might be sometimes useless. It would be disgraceful to the House to dishonour its own resolution. Mr. Pitt estimated the improvement of the revenue of the post-office under the plan at 200,000*l.*; it had actually produced, according to the statement of the right hon. gent. last night, 1,276,000*l.* He knew he might be told that part of the increase arose from other causes; but he would answer, that they must have been all abortive, had not Mr. Palmer communicated his original plan. The Chancellor of the Exchequer proposed giving relief to Scotland, from a part of the encreased revenues of the Post-office, and yet he refused to remunerate the man who supplied him with the means! Besides the obvious advantages attending the present mode of conveying letters, there were many indirect ones, which raised the revenue to a height which could not be calculated. In short, when he considered the time, labour, and fortune which Mr. Palmer had expended in bringing his scheme to maturity, and the benefits which arose from it, he was surprized to see one member refuse him an equivalent pecuniary compensation which he had been originally promised, and which was confirmed by that House. He should certainly support it in every stage.

Mr. *W. Dundas* stated, that he had been Chairman of the Committee appointed to investigate this claim, and his opinion clearly was, that Mr. Palmer had no right to any compensation beyond what he had received. Gentlemen were disposed to rate higher than it deserved the improvement introduced into the Post-office by Mr. Palmer, although he was ready to admit that Mr. Palmer's plan had done much good. The increase in the Post-office revenue, however, was not to be ascribed solely to this. The improvement of the country was also to be taken into account. But the question was, what had Mr. Palmer contracted for? The claim had been brought forward in 1797, and a decision given against it. It had afterwards been brought forward ten years after, when Mr. Pitt was no more. From the evidence of Mr. Pitt, however, it clearly appeared that the situation in the Post-office had been given to Mr. Palmer in lieu of his claim; that he was to have a salary, and a certain per centage if he did his duty in the office. Upon these terms the bargain had been concluded. Mr. Palmer had not done his duty, and had been removed; and under these circumstances he did not think he had any claim to remuneration. He had engaged to accelerate the delivery of the letters, and instead of doing that, he had conspired to retard their delivery. It might be said that Mr. Palmer had been unfortunate in a deputy; but however that might be, it was impossible for him (Mr. Dundas) to refuse credit to the evidence contained in Mr. Palmer's own letters.

Mr. *C. W. Wynn*, in addition to the grounds of objection stated by the right hon. gent. opposite, felt an objection of an earlier date to this motion. If the resolution of 1808 decided this question, he would allow that they ought not now to be discussing it. But though an act might have passed that House: yet, if thrown out by the Lords, it would be a fair subject of discussion, on being in another session brought in again. The objection he felt was as to the legality of the original contract under which Mr. Palmer claimed. He doubted whether any minister of the crown had the power to mortgage any part of the public revenue in such a way during the life of the person to whom he might think proper to grant it. The minister, no doubt, had the command of the public purse, but he should have the sanction of parliament for such a grant in reward even of merit. He denied that all the increase of the revenue of the post-office was to be attributed to Mr. Palmer's plan. If the House would but look to the number of canals and docks, and other public works, which had taken place all over the kingdom, they would perceive the necessary increase of that revenue from the correspondence that grew out of them. If even the agreement had been valid in the first instance, which he denied: the conduct of Mr. Palmer had been such as to set it aside, though his claim had been derived from a patent. Such was his notion of the conduct of Mr. Palmer that he thought he might have been indicted for a conspiracy; when he looked around the House, he was sure that many members were absent, who, in the expectation of a future stage of the business, intended to deliver their opinions; he therefore recommended that the consideration of the subject should be adjourned to another period.

Sir *Thomas Turton* stated most decidedly, that new facts, leading to new inferences, had come out before the Committee in 1807. But the hon. and learned member who had just sat down had, he confessed, given quite a new view of the case. That hon. and learned member objected to the legality of the original agreement: but if a minister should dare to disavow such an agreement, that House, while the public was deriving the benefit of it, would not fail to give the individual compensation. The hon. and learned gent., too, had said that Mr. Palmer might have been indicted for a conspiracy for his conduct. Indicted? yes, upon garbled extracts; and yet he would defy the ingenuity of that hon. and learned gent., or any of the learned gentlemen opposite, to frame an indictment for a conspiracy that would apply to this case. A misdemeanor it might be construed to be, but no conspiracy. The question was, whether the Resolution of the House was not binding upon it to satisfy this claim. He contended it was, whilst it remained on the Journals; though he was ready to admit that it might be discussed. It appeared throughout the whole of the correspondence, that Mr. Palmer's great complaint was, that he was constantly thwarted in carrying his plan into execution. He had undertaken to cleanse the Augean stable—that Herculean task, which, if he could have effected, would have put a stop to the practices which prevailed in the department, and left the persons employed in it to be content with their bare salaries. It was they, then, who had combined against him. It was they who had been guilty of a conspiracy against him. Was it, then, for the House of Commons to refuse a just claim, because the viper who had been taken to Mr. Palmer's bosom had stung his benefactor? It was to be recollected that this viper had got his place. If Mr. Palmer had been guilty of indiscretion, he had been punished: he had been dismissed from his office: but his contract could not be got rid of. He trusted when it was considered that the public enjoyed the great benefits of the plan, that that House would give effect to its former Resolution by agreeing to the motion.

Mr. *Long* said, that whenever the subject came before the House, he considered himself called on to state all the circumstances with which he was acquainted. He did not think that the merits of the case were completely decided. In 1799, the House was of opinion that Mr. Palmer had not fulfilled his part of the contract. There was nothing more said of it till 1807, when Mr. Pitt was no more; it then appeared from the documents, that no contract had been made which did not include on the part of Mr. Palmer a fulfilment of official duties. These duties were not faithfully discharged. Mr. Palmer was suspended for disobeying the commands of the Post Master General. Did the hon. bart. call that a trifling misconduct, which went to retard the delivery of letters, and to throw the blame of it on the Post Master General? He defied the hon. bart. to prove from the evidence, that the 1,500*l.* per annum, and the two and half per cent. did not stand on the same footing. Every body knew, that when Mr. Palmer first introduced the plan, he was much thwarted; but at the same time he was cordially supported by Mr. Pitt, who felt a great partiality for him, and with the utmost reluctance was obliged to adopt the line of conduct he did, when the letters were put into his hands. The House of Lords had already decided against the application. Did, therefore, the hon. gent. think that this House should address the Prince Regent to deprive the House of Lords of their power of judgment. This was a most objectionable mode of proceeding. He must therefore oppose the motion.

Mr. *Whitbread* wished to state shortly his opinion upon Mr. Palmer's claim, which opinion remained precisely the same as when he last addressed the House upon the subject. He was confident that the arguments of the right hon. gent. opposite were not such as to persuade the House to depart from the decision which it had come to three years ago, and which it had been attempted to carry into effect last year. This decision had been founded, not upon compassion but upon the justice of the case. He besought the House to consider what had been the merits of Mr. Palmer, when it was owing to his plan that the right hon. the Chancellor of the Exchequer had been able to make so triumphant a statement of the flourishing condition of the Post-office revenue without any addition to the duties on postage. Without the benefit of that plan it was impossible to obtain such a revenue. He agreed with his learned friend, that the exemption of the mail coaches from toll, was a fraud upon the turnpike trusts; and he was glad to find the right hon. gent., whatever might have induced him to alter his opinion, admit, that some relief might be given to the petitioners whose petition the noble lord (Binning) had presented, provided the report of the Committee should recommend that measure. It had been at first intended that Mr. Palmer should have had a patent; but then it was found that an act of parliament stood in the way, and no patent was issued. But if he had a patent, it was the opinion of the Lord Chief Justice of the Common Pleas, of lord Erskine, of his Majesty's Attorney-general, and of his hon. and learned friend Mr. Adam, that the patent could not have been disturbed. This was the opinion of those learned persons; and he should abide by their opinion, rather than by the legal opinion of the right hon. George Rose. Gentlemen talked of an indictment for a conspiracy, but he would not take upon him to decide whether it would or would not lie. Some learned gentlemen were of one opinion, and some of another. One thing, however, he would mention, that a Mr. Wilson had given in a voluntary affidavit, stating that he had been instructed by Mr. Palmer to insert false items in his accounts. Upon his cross-examination, however, he said, that he had received the directions from Mr. Bonner, and that he considered Mr. Palmer and Mr. Bonner as one and the same in that respect. He was ready to stand, and to stand only, on the justice of Mr. Palmer's claims, who called upon the House of Commons that night to make good their repeated decisions. There was no man in that House who would venture to say that Mr. Palmer had been sufficiently remunerated. Was there any man on any side who could say so? If, however, there were those who thought that the sum proposed was too large, let them propose a smaller one; but let this claim not go from the House of Commons without that justice which it demanded.

Mr. *Giddy* conceived that the pension

of 3,000*l.* a year, which Mr. Palmer had accepted, was a full discharge of all his claims. It would be inconsistent and improper to take away from the House of Lords the check which they possessed over the grants made by that House. For this reason he was decidedly against the mode of the question, with this qualification however, namely, that whenever Mr. Palmer should come forward, and laying aside his claim of right, throw himself on the liberality of the House, he would not be hostile to the application.

Mr. *Fuller* was disposed to think that the claims of Mr. Palmer were founded on the strictest justice. He had, by the simplest proposition, contributed to the benefit of the state; nevertheless, those who professed the most foolish and idle friendship for Mr. Pitt, because he was against those claims, forsooth, were afraid to give him his due. Why, Mr. Pitt was a man who always acted for the public good, poor man! and he died poor! The government had given Mr. Palmer a salary for life; but he had a family of children dependent on him for support, and for being set out in life, who expected when he died, property, or else they would not go off! and yet, when he died, he could not (having lived like a gentleman), leave them any thing! When he was therefore gone, like the snuff of a candle, and nothing left, why then his family were to be deprived of support if the House refused them justice. The best way would be to refer the claims to the decision of three masters in chancery, who would decide equitably and fairly. The government were pledged to Mr. Palmer, and the pledges of former ministers were as binding on the country as if sanctioned by Lords and Commons; besides, the policy was a narrow and a foolish one. By narrow views of policy we were plunged into the present war; for if the proposition made some years ago for employing light artillery had been attended to by ministers, we should not have been now engaged; and Dumourier would have been deprived of the means of annoying us, which means were afforded him in consequence of our refusal to employ light artillery. He condemned the refusal. Perhaps a friend of his, who had invented shells for annoying the enemy, and by which the late battles had been gained, (for they had dispersed the French armies in such fine style,) might, if he asked for it, be refused remuneration. It was a niggardly policy which did no good, but much harm. It was losing a hog for a halfpenny worth of tar! He should, therefore, support Mr. Palmer's claims.

The *Chancellor of the Exchequer* said, he was obliged to risk even the good opinion of the hon. bart. opposite (sir T. Turton), in defence of what he considered right. If he had to reproach himself with any thing, it would be with having allowed this question to come on as it had done; a concession, however, which he had made after the example of his predecessor. The conduct of Mr. Palmer, when in office, was such, that even had he held his place under a patent, he ought to have been deprived of it. When he first made his claims, in Mr. Pitt's life-time, and near the period of his bargain, they were rejected; and after that rejection, he lay quiet till after Mr. Pitt's death, a period of eight or nine years. With what face, then, could he now appear before the House, at a distance of time in which they must be much less competent to decide the justice of his demand, than they were at a time when they judged it ought to be rejected after full investigation and living evidence? He saw some gentlemen opposite very ardently supporting this claim, which, convinced in his conscience he was, had it been brought forward by government, they would without hesitation have pronounced to be one of the most flagrant and abominable jobs that ever originated with a minister. The case was this: Mr. Palmer had for his invention received an office, connected with the faithful discharge of which he was to have a pecuniary remuneration. He had by gross misconduct proved himself unworthy of his office, and of course his emolument ceased. Yet on his dismissal he had received 3,000*l.* a year; and with this, in his opinion, he ought to be content and grateful. The right hon. gent. here read the correspondence of Mr. Palmer to prove his misconduct when in office; and from a review of this, he had no hesitation in pronouncing him guilty of a conspiracy with those beneath him, for the purpose of frustrating the object for which he was appointed; namely, the acceleration of the distribution of letters. Having gone through the matter of the claim, he must now refer to the manner in which it was attempted to be carried; and this he must call most unconstitutional. They were to address the Prince Regent to advance the money, and to promise that parliament would make it good. From what was he o advance it, or what right had they to romise that parliament would make it good? Why should they promise for the House of Lords, and that in a matter in which they were doing all they could to rustrate their decision? In his opinion, neither the merits nor mode of this claim could be justly supported.

Mr. *Sheridan* said, he was particularly desirous to make a few observations on what had fallen from the right hon. gent. who had just sat down, for a more uncontitutional doctrine he had never heard delivered in that House. He believed he right hon. gent. was the first Chancellor of the Exchequer who had ever hought it necessary to appeal to the House of Lords in a case which related to the disposal of the public money. If his doctrine were true, how came it that the land and malt tax was always voted, and the money advanced upon it, long before a Bill was brought in to that House; and where had been the instance in which the Lords had signified any opposition to it? If such a thing could be supposed, the Bank would act very idly in advancing the money before the Bill had passed both Houses. With respect to the argument of not renewing the application after the year 1797, during the life time of Mr. Pitt, he thought there was a very good reason to be given; Mr. Pitt was as persevering a man as Mr. Palmer, with rather more power at his command; but though Mr. Palmer did not actually bring forward his case before parliament, he never ceased to keep up his claim in the memory of his friends, and to apply to them for advice how to act; and they were all of opinion that to bring it forward again during Mr. Pitt's administration, would be at least fruitless. Mr. Sheridan said, he had it in his power to speak very decidedly on this subject, because the plan had first been shewn to him when Secretary to the Treasury during the administration of the duke of Portland; and when that administration went out, he told Mr. Pitt what had been the intention of that noble duke and lord John Cavendish; which was to give a salary of a certain sum for life, and a per centage. He knew before this the numerous cabals and plots that were hatched against Mr. Palmer by those who were interested in opposing this reform; and he was convinced in his own mind, that Mr. Palmer would stand but a poor chance if he were not permitted to clear the office of all those private opposers of what they called innovation. This was what Mr. Palmer wished to effect, and this was the cause of his acting as he then did. To suppose that he had the most distant intention to diminish the revenue of the office was evidently ridiculous. His own per centage was a sufficient security against that, for he could not lessen the one without in an equal degree injuring the other. If Mr. Palmer had been guilty of the foul and abominable conspiracy with which the right hon. gent. charged him, how came Mr. Pitt to give him three thousand pounds a year? Had he been a conspirator, this would have been an act of great injustice to the public in Mr. Pitt. He thought Mr. Palmer was right in accepting this 3,000*l.* a year while he could get it, though to his knowledge, Mr. Pitt had always protested against it, as a breach of the original contract. He hoped the honourable officer, the relative of Mr. Palmer, who brought forward the present motion, would not take the advice given to him to withdraw it; but that he would depend on the honour and justice of the House, rather than its charity, which the giver of the advice had promised to procure in his favour. He thought Mr. Palmer a most injured man. He now offered to give up 50,000*l.* a year, which his per centage would have amounted to, and only asked for 50,000*l.* in the whole. This was an act of justice which he hoped the House would this night render him.

Mr. *Croker* admitted that Mr. Palmer had a right to the per centage, but condemned the mode in which it was proposed to allow his claim.

Mr. Secretary *Ryder* concurred with his right hon. friend (the Chancellor of the Exchequer), and complained of the misrepresentation given to his argument respecting the offence that the proceeding would give to the Lords. The land and malt tax was understood as a matter of course, and was a subject on which no heat or difference of opinion had ever existed between the two Houses. He argued, that instances could be adduced in which the House had adopted a similar proceeding. They were calling, if this motion was carried, on the Prince Regent, to do that which he must know would not be agreeable to the other House.

Mr. *Jekyll* apologised for trespassing on the House at that late hour of the discussion, but from what had fallen from the right hon. gent. who had just sat down, he felt himself compelled to tack another *Ryder* to the debate (a laugh.) He vindicated the conduct of Mr. Palmer, and pointed out the advantage the public had derived from the arrangement that had been adopted with respect to the Post-Office, pursuant to his suggestion. It was unjust that such services should go unrewarded. They had only to recollect what had been promised, and the present remuneration would appear but small. The whole country, he had no doubt, would approve of this vote, who had found their correspondence in all parts of the empire so much more safe and expeditious. He was surprised that an hon. lawyer opposite, who had been consulted on the subject, (the Solicitor General) should remain silent on the present occasion. He complained of the obloquy that had been thrown out against Mr. Palmer in the course of this debate, and referred to the conduct of Mr. Pitt on the subject, though equally hostile to the claimant, as very different. In referring to the nature of the evidence, he inveighed against the low means that had been employed in the Committee against the claimant. The gaols had been searched to find out accusers against him, and the principal one was a fellow that had been taken from the King's Bench, who had been fed by Mr. Palmer's bounty, and, like a viper, had turned against him. In a former discussion on this subject, he and an hon. friend of his had called him a viper, and a man of the worst description. These speeches had been published by a morning paper, he believed the Morning Herald, the proprietors of which were prosecuted for a libel by this same person, for the expression made use of respecting him. He and his friend had acknowledged that they had used the expression, and were ready to come forward in evidence, but first consulted the Speaker, who was of opinion that they could not appear in any court, on questions that had originated in that House, without first obtaining permission from the House. But though they did not appear in evidence, yet to shew the weight of the character of this man, when the question came to the jury, they found a verdict of only sixpence. In the heat of his feelings, there might have been some irregularities on the part of Mr. Palmer, but he did not believe that there now existed a more aggrieved man, or one to whom the public generally was more indebted.

The *Solicitor General* having been so pointedly referred to, justified his conduct and the opinion he had uniformly given on the question. It was necessary that an agreement should be fulfilled on both sides; and Mr. Palmer, he contended, had violated his engagement by the conduct of which he had been guilty. He thought this must be obvious to any man who had read the evidence. Both the two and a half per cent. and the 1,500*l.* a year, he contended, were granted for services only which required the fulfilment of certain duties; and if these were unperformed, the stipulations on the other side might be withdrawn, without any injustice. He contended that upon the evidence of Mr. Palmer's letters that gentleman had no such claim; and that if a *scire facias* had been brought, the letters patent would have been cancelled. The question, however, on the whole, he conceived, was not whether Mr. Palmer had been properly and fairly dismissed, but what the House ought now to do with these letters of Mr. Palmer's before them.

A division then took place:

For the Address	107
Against it	42
Majority in favour of Mr. Palmer's Claims	65

HOUSE OF LORDS.

Wednesday, May 22.

Mr. Palmer's Claims.] The Earl of *Radnor* called the attention of the House to the votes of the House of Commons of last night, by which it appeared, that an Address had been voted to the Prince Regent, praying his Royal Highness to order the sum of 54,000*l.* to be paid to Mr. Palmer. He wished particularly to call the attention of their lordships to this circumstance, they having, on a former occasion, decided against the claim of Mr. Palmer.

The Earl of *Lauderdale* observed, that the proceeding alluded to by the noble earl, was inconsistent with the dignity and independence of that House as a separate branch of the legislature, namely, the voting, by address, of a considerable sum of money to an individual in a way in which their lordships could not regularly exercise their controuling or separate power as an independent branch. There were not many instances of proceedings of this kind. The last within his recollection was when the House of Commons, in a fit of enthusiasm towards a great and illustrious character in this country, voted the payment of his debts. That was a case of a very different nature. There, the House had not given any previous opinions. In the present instance, the Commons knew the decision of the House upon the subject, and that decision was, in the greater part, upon evidence communicated to their lordships by the Commons. It was a question of right upon which the House (the supreme court of Judicature) had decided. Let their lordships consider in what a situation they were placed. He could not devise a more flagrant case. The claims of Mr. Palmer had no just foundation; and the bringing forward again the subject so many years after the death of Mr. Pitt, who treated with that gentleman on the part of the public, was at least suspicious. It was what he could not have expected, and he regarded the proceeding as most unjust.

The Earl of *Moira* entertained a very different sentiment from his noble friend, as to the case of Mr. Palmer. The contemplation of no case whatever, gave him so much pain as that, as he thought the principles of justice were far departed from. The procedure in that House upon that occasion was what he highly disapproved. Ought that House to have proceeded upon evidence stated before the Commons? He retained his former sentiments as to the justice of Mr. Palmer's Claims, and never could he hear the subject mentioned without expressing those sentiments. This however, was a point distinct from that first touched upon by his noble friend, a point upon which he would, at present, offer no opinion.

The Earl of *Harrowby* expressed his satisfaction that the late proceeding of the Commons had been so properly noticed in that House, and on the earliest possible opportunity. With reference, however, to his own convictions upon the subject, and the deliberate decision of the House upon it, he could not possibly hear what fell from the noble earl who spoke last, without entering his protest against it. Their lordships had decided, after the most full and deliberate consideration of the subject, not only upon evidence transmitted by the House of Commons, but on further and original evidence laid before their lordships. After what had taken place, he, for one, thought the subject would never be brought forward again. He could not avoid expressing his surprise at hearing from the noble earl, the comparison he had made between the vote of compensation to Mr. Palmer, and the vote for the payment of the debts of Mr. Pitt. In the last case it was not what had been termed fancy or generosity; it was a testimony due to the great public services rendered. It was the tribute of a grateful country to the greatest man that country had ever produced, from that country which he had saved. The vote for Mr. Palmer went to give a recompence, where punishment was deserved.

The Earl of *Lauderdale* rose to explain. He had not used words bearing the construction the noble earl had put upon them. Whatever difference of opinion he entertained from the noble earl respecting the public character and merits of the noble earl's illustrious and great friend, he never brought that grant into comparison, far less into a precedent, with respect to the case of Mr. Palmer; and that must be the more evident to the noble earl, who was entirely in possession of his sentiments on the latter case.

The *Lord Chancellor* observed, that he was one of the majority who had voted against Mr. Palmer's claims; and, in giving that vote, he considered the case, both as it purported to be a claim in justice and a claim in equity.—In both views of it, to him it appeared unfounded; and that opinion he delivered, after giving it as much attention and consideration as if he had pronounced that opinion in a court of justice.

The Duke of *Norfolk* asked if any notice had been given by the noble earl of his intention to bring Mr. Palmer's case before their lordships that evening? If not, he did not think it fair to enter upon the discussion in so thin a House. Besides, their lordships would do well to consider in what difficulties they might involve themselves by objecting to the vote.

The Earl of *Radnor* confessed he had given no notice of his intention to mention the circumstance to the House, but had brought it under their consideration merely from what he conceived to be his duty. Neither had he any intention of renewing the question, but should leave it to any noble lord whom it might please to take it up.

After a few words in explanation from the Lord Chancellor and the earl of Lauderdale, the subject was dropped without further notice.

HOUSE OF COMMONS.

Wednesday, May 22.

PETITION FROM THE ROMAN CATHOLICS OF TIPPERARY.] Mr. Montagu Mathew presented a Petition from the freeholders and inhabitants of the county of Tipperary, comprising persons professing various religious persuasions, setting forth,

"That the petitioners, being actuated by sentiments of attachment to the true principles of the constitution, and sincerely desirous to promote the internal concord and general prosperity of the country by every measure of conciliation, good will, and justice towards all classes and descriptions of their fellow subjects, beg leave to represent to the House, that they view, with particular regret and disapprobation, the existing code of penal and disabling statutes, which aggrieve and degrades the Roman Catholics of these realms adhering to the faith of their forefathers; and that this obnoxious code, at all times unjust in its principle, and violating an ancient and solemn treaty, appears to us, at this critical period of national exigency, to be peculiarly ill-timed and unwise, and that, besides infringing the sacred rights of private conscience, and violating the first principles of legislation, it insults and depresses every individual of the Catholic community, stigmatizes them as unworthy of confidence, and proscribes them as aliens in their native land; and that thus disuniting the people, thus prolonging needless dissentions, and alienating the great majority of the Irish population from the state, this code is the certain source of national weakness and imminent public danger: without the zealous co-operation of the Catholic community, that right arm of Ireland, no reflecting man can confidently reckon upon an effectual resistance to the common foe in the trying hour of peril; and it is but natural to presume that such co-operation will be best ensured by augmenting their interest in the maintenance of the constitution, by extending to them its full benefits without reserve or restriction, by acts of substantial justice, and even of marked kindness, towards this faithful and well-deserving people, from whom, perhaps, within a very short period, the most arduous services, and of inestimable value, will be necessarily and anxiously demanded; and that the petitioners are of opinion, therefore, that no other measure can so effectually tend to the firm defence and preservation of these islands, to internal union and general security, as a full and complete restoration of all the rights and benefits of the constitution to the Catholic people; justice no less than sound policy demands the immediate adoption of this measure; liberty of conscience, and the unfettered exercise of private judgment in the choice of religion, are the inalienable birth-right of every man, and cannot be invaded by human power without disrespect to that merciful Deity who tolerates all religions, and graciously accepts from all men the genuine worship of the heart in whatsoever language, and under every form; and that the experience of nations has also shewn that intolerance can never be practised with impunity; in its gloomy train are ever to be found national discord, disgrace, decay, and finally desolation of the most disastrous nature: may the Almighty avert such dire calamities from this empire; and that, as members of various religious communities, Protestants as well as Catholics, the petitioners disclaim all coercive laws concerning religious subjects, and they solemnly protest against the prolongation of a code founded in such coercion; and, however different their respective mode of faith, yet they cordially concur in earnestly praying, as the first and choicest blessing to Ireland, that those odious laws which inflict discord upon our country, and have long been reprobated by all humane and liberal men, may be altogether abandoned, and give place to such healing and conciliatory measures as shall restore to us the benefits of domestic union and tranquillity, efface even the remembrance of religious intolerance, and suffer not a vestige of it to remain in these islands; and that the petitioners, therefore, seriously beseech the House, to repeal all and every the penal disabling and exclusive laws which aggrieve and injure the Roman Catholics of these realms, and to reinstate them effectually in the full participation of all the rights and benefits of the laws and constitution of this empire, equally and in common with their fellow subjects, without any distinction of religious communion."

Ordered, That the said Petition do lie upon the table.

MR. MALLISON'S LIFE PRESERVER.] Mr. *Whitbread* rose to call the attention of the House to the Petition of Mr. Mallison, presented by him yesterday, praying for an inquiry into the merits of an invention for preserving the lives of seamen in cases of shipwreck, &c. The plan, he stated, had been brought forward two years ago, and the Treasurer of the Navy, he himself, and various others had subscribed, with a view to have the merits of the invention brought to the test. The result of the experiments was a favourable impression as to the utility of the plan. The invention was indeed very simple: it consisted merely of a piece of cork united by a strap, such as boys often swim upon. But the mode of application was new, and the simplicity of the thing was no good ground of objection to it. He had referred it to some naval friends, captains Ballantyne and Paget, who had tried it, and stated that it was effectual, for that no man who had it on could sink or drown. He therefore had thought it his duty to present the Petition yesterday, and he would now move for a Committee to take it into consideration.

Mr. *Croker* would not oppose the appointment of a Committee, if the House thought proper to agree to the motion; but he would propose the names of some gentlemen connected with the Admiralty. This was in truth no invention at all. It was exactly what they had all often swam upon—two pieces of cork, with the addition indeed of a covering of green baize, and a strap instead of a rope. Of the 87 inventions presented to the Admiralty Board within these few years, this was the worst and the most simple. Colonel Hanger had presented a very ingenious one. The Admiralty stated to him, that his invention was completely effectual for keeping a man afloat; but it was so cumbersome that he could do nothing else with it. He adverted to the furious attack made on the Admiralty Board by Mr. Mallison for their illegal and hellish opposition to his plan; and concluded by stating, that it was too trifling for any gentleman to waste his time upon.

Mr. *Rose* had no doubt, that the invention was effectual to its object, though it was certainly a very simple one. But he did not think the simplicity of the invention a serious ground of objection. It was little else than the cork jacket in use long before; but Mr. Mallison certainly appeared to have the merit of applying it to a new purpose.

Mr. *Whitbread,* in reply to Mr. Croker, observed, that Mr. Hogarth, the inimitable caricaturist, had ridiculed the extravagant taste for projects, by representing a ponderous machine for drawing a cork out of a bottle. But he never before heard of an attempt to turn an useful discovery into ridicule, merely on account of its simplicity. The hon. gent. had said, that one of the most ingenious inventions submitted to the Admiralty, was too cumbersome to enable the man who had it on to do any thing else than float. But this plan was not of this description, for a seaman who had it on might do any part of his duty. He then read an extract from a letter of captain Ballantyne, stating, that if he had these jackets on board, much anxiety, as to the safety of his crew, would be removed from his mind. When a boat went on dangerous service the captains would take care that the men were furnished with these jackets.

Captain *Paget* stated his conviction of the utility of the plan; a conviction founded on experiments made by himself.

Mr. *C. Adams* stated the great merit of the invention to be, that when a sailor had these corks attached to him, he was not encumbered in such a way as to prevent him from doing any duty whatever.

After a few words of explanation from Mr. Whitbread and Mr. Croker, the motion was agreed to, and a Committee appointed accordingly.

Cotton Wool Bill.] On the motion for the House to resolve itself into a Committee on the Cotton Wool Duty Bill,

Sir *Robert Peel* opposed it on the ground of the impolicy of imposing a tax upon the raw material, especially at a time when the cotton manufacturers were starving. There was hardly an instance in which a tax had been laid on the raw material. He hoped this tax would not be persevered in, and inquired of the hon. gent. opposite, one of the members for the county of Lancaster, whether any application had been made to him on the subject.

Colonel *Stanley* observed, that he had made a communication on the subject to his constituents in Lancashire, whose interests were so nearly concerned, and he was anxious that the further proceedings upon it should be postponed for a few days, to give him an opportunity of receiving their sentiments.

Mr. *Rose* declared, that if he thought the manufacturers would sustain so serious an injury as that supposed by the hon. baronet, he would be the last man in the House to press the adoption of the measure; but when it was considered that the duty was only a penny a pound on an article selling at the price at which cotton did, he was persuaded that the apprehensions of the hon. baronet were groundless. Besides, it must be recollected, that the duty was not imposed on all cotton wool imported, but only on that which came from America.

Mr. *Baring* opposed the Bill as pregnant with danger and mischief to the country. When gentlemen had screwed up their courage to bring forward the Budget, it was pleasant, no doubt, to be informed that the dreaded new taxes had already been imposed. But there was this inconvenience in departing from the old mode of proposing the taxes, if any new taxes were to be imposed at the time of bringing forward the Budget, that those concerned had not sufficient notice of these Bills. The consequence was, that most pernicious plans of taxation might be carried into effect, while those chiefly interested were ignorant that any such plans were in contemplation. He admitted that taxes had, unfortunately, at times been imposed on raw materials; but these were comparatively harmless, because the amount was trifling. Here, however, the tax amounted to about 33 per cent. If the state of Europe had not been very much changed, ministers would never have ventured to impose a tax on the raw material, as the manufactures of Germany, &c. would have, in that case, driven ours out of the market. But he reminded them that the cotton manufactory was a very growing one in the United States; that a great number of cotton mills had been established in the neighbourhood of Boston; and that the United States already exported a large quantity of cotton twist. The whole quantity of cotton wool imported was 1,449,000 bags, and of this only 40,000 were imported from our own colonies. The United States preferred our manufactures, which was not the case with the inhabitants of Brazil. He was fully aware that America was at present commercially hostile to us, and all he wished to impress was, the danger to ourselves of adopting measures which we could not afterwards counteract. The branch of manufactures affected by this tax was one of the very first importance, and if it should be injured, the subsequent lowering of the duty would not avail to remedy the evil. He thought the raw material a very injudicious object of taxation, and more particularly as it was directed against our best customers. Sheep's wool, in his opinion, was a much fitter article, whatever might be at first the prejudices of the country gentlemen against any imposts upon it. Our cotton manufactures might be undersold or excluded, but our woollens could not be rivalled. Under all these circumstances he hoped the right hon. the Chancellor of the Exchequer would consent to postpone the motion for a few days.

The *Chancellor of the Exchequer* expressed much surprise at the exaggerated statements of the hon. gentleman. He contended that the duties had not hitherto depressed the manufacture, and that the price of cotton wool, which had varied from 12*d.* to 2*s.* 6*d.* a pound clearly shewed that an additional tax of 1*d.* could have no prejudicial influence. In the last year we have imported 136,000,000 pounds, while the average of the preceding six years was but 70,000,000 pounds. From America last year we received only 55,000,000, about one third of the whole quantity. He was aware that the East India cotton wool was inferior to that of America, but that of America was also inferior to that of Brazil. But when the House reflected on the state of the relations between this country and America, they would see the policy of persevering in the present measure. If, instead of increasing the duty as it regarded America, for the purpose of encouraging our own shipping, we were to take off the existing duties, the effect would not be to introduce a single yard more of our manufactures into the American States. The question was, whether in the situation in which we were placed, we should not give encouragement to trade in British cottons rather than in foreign cottons.

Mr. *Whitbread* censured government for not having taken the opinion of the hon. baronet and others who were qualified to judge on the subject, before they introduced the present measure. There was a Petition on the table from the cotton manufacturers, declaring that they were in a state of starvation. To these petitioners this new duty on the raw material was a direct affront. He reprobated the mode in which such taxes had been for five and twenty years introduced, from time to time, by the right hon. gent. opposite (Mr. Rose), under the specious name of regulations. These regulations, however, always failed of success, although the commercial regulations of the enemy completely succeeded. The emperor of France undertook to lock up the continent against our trade. By the Resolutions of that House it appeared that he had succeeded. We undertook to unlock the continent. By our own Resolutions it appeared that we had completely failed. Before the end of the session he would move for the recent correspondence between the British and American governments, and till that period he would delay entering upon the subject. If any thing could rouse the public attention, it would be the permanently injurious effects on the revenue of this country, which the perseverance in commercial hostility of Great Britain and America towards each other, must necessarily produce. He thought that, on consideration, the right hon. gent. would see the propriety of waiting till the hon. member for Lancashire had received the instructions of his constituents on the subject.

The *Chancellor of the Exchequer* repeated that the new duty was not such as could possibly operate injuriously on the manufacturer. If the whole duty on the raw materials were taken off, he was persuaded that not an additional yard of our manufacture would be imported into any part of the world. He had no objection, however, to postpone the Committee on the Bill until to-morrow.

Sir *R. Peel* pressed the necessity of giving time for consideration.

Mr. *Whitbread* represented the childishness of any delay which would be insufficient for the attainment of the wished-for object. The right hon. gent., after speaking in such high terms, the other day, of the trade and revenues of the country, now confessed that America and the ports of the continent were so hermetically sealed against our trade, that even were all the duties taken off cotton wool, not a yard more would be sold than at present. Things could not continue long thus. Some convulsion must soon happen, whether triumphant to this country or to the enemy he would not anticipate; but if all the ports of the continent were open to British manufactures, still it would be found that, owing to our injudicious measures, America was able to supply herself.

Mr. *Rose* contended that he had given sufficient notice of the introduction of this measure. America had over and over again imposed duties on British manufactures. This country had shewn great forbearance in that respect; and the present measure was for the purpose of encouraging our own shipping.

After a few words from Mr. Baring, the Committee on the Bill was postponed to Friday, and the Bill was ordered to be printed.

HOUSE OF COMMONS.

Thursday, May 23.

PETITION OF THE ROYAL CANAL COMPANY IN IRELAND FOR RELIEF.] Mr. *Foster* presented a Petition from the Royal Canal Company of Ireland, praying for relief from their embarrassments, in any manner which the House pleased to adopt.

The *Speaker* inquired whether the Petition, being an application for pecuniary relief, came recommended in the usual manner?

Mr. Secretary *Ryder* signified the assent of his royal highness the Prince Regent.

Sir *J. Newport* expressed his determination to oppose the prayer of the Petition, on account of the conduct of the company, who had squandered their money unnecessarily.

Mr. *Foster* observed, he merely would move that the Petition should lie on the table, without pledging himself as to his future conduct.

Mr. *W. Pole* stated, that documents would be presented to the House, which would afford every information on the subject, particularly the Report of the Commissioners of Inland Navigation in Ireland, to whom the inspection of the affairs of the company had been referred.

The Petition was then read, setting forth: "That in the 29th year of his present Majesty's reign, several noblemen and gentlemen of distinction in Ireland, anxious for the improvement of their country, proposed to become undertakers of, and to subscribe large sums of money for completing a navigable canal from Dublin to Tarmonbury, on the river Shannon, a distance of about 70 miles; and that, from the plans, levels, and estimates, made at their desire by the persons then generally reputed most skilful in such matters, they were induced to believe that their said scheme might be carried into execution for a sum of 200,000*l.*; and that, for an object of so great public utility, it was conceived reasonable to solicit the sanction and aid of the legislature; and accordingly, in the said year, petitions were presented to both Houses of Parliament, subscribed by many of the first names in the land, offering, on behalf of themselves and others, to engage in this great undertaking, from whence the population, the commerce, the agriculture, and the wealth of the country were likely to derive so vast an increase; stating the line and level by which they conceived the plan might be accomplished, and praying some aid from the revenues of the nation which was so much interested in the event; and that there was then in Ireland a company incorporated some time before under the name of the Grand Canal Company, for the purpose of conducting a navigable canal from Dublin to a more southern part of the same river, a work in which they had then made some progress; and that the members of that company, alarmed at the idea of competition, petitioned both Houses of Parliament against the proposed undertaking, as an encroachment on that monopoly, the hope of which, as they alledged, had induced them to proceed so far; and that the matter of both the said petitions was much canvassed in parliament; and to the objection made by the Grand Canal Company it was answered, that the Shannon was a river of vast extent, flowing through countries of great fertility, abounding with mines of various descriptions, and wanting nothing but facility of conveyance to diffuse wealth and industry over the nation; that nature has divided this great river into two tracts of perhaps equal value, separated from each other by a lake called Lough Ree, into which the river spreads, and of which the navigation has too much of difficulty and danger for river-boats to encounter; that the Grand Canal would connect the southern tract with the metropolis and the coast of Great Britain, while the proposed navigation would afford the same advantages to the northern part of the river, and thus, without hazard of competition, an object was held forth to each sufficient to excite their zeal and industry, and, by means of both, a complete system of internal communication would be farmed to the unspeakable advantage of the country; after a full consideration of the subject, the legislature decided in favour of the proposed canal to Tarmonbury; and by an act then passed, 29 Geo. 3, c. 33, for the promotion and encouragement of inland navigation, amongst several clauses of a similar nature, a sum of 66,000*l.* was granted under the terms therein mentioned to such persons as were or should be undertakers for completing the said canal; and that, by his Majesty's royal letters patent, bearing date at Dublin the 1st day of October, in the 29th year of his Majesty's reign, several noblemen and gentlemen, by name, and all such persons as then had or thereafter should have any share in the joint stock therein mentioned, were incorporated in the usual form under the name of the Royal Canal Company; and it was thereby provided, that their capital stock should be 200,000*l.*, to wit, 66,000*l.* so granted, and 134,000*l.* to be subscribed by the individual members, who were thereby empowered to complete the said navigation from certain parts of Dublin therein specified to or near Tarmonbury aforesaid by a line to be carried on through or near Kilcock, Kinnegad, and Mullingar, and for that purpose to purchase and hold all such lands, buildings, goods, and chattels, as should be necessary, and to alien or sell the same, or any part thereof, at their pleasure; and that it having been found, on examination, that the course prescribed by the said charter was ineligible, and that some farther powers were necessary, an act was in the ensuing year (30 Geo. 3, c. 20) passed in the said parliament, intituled, "An act for the better enabling the Royal Canal Company to carry on and complete the Royal Canal from the city of Dublin to Tarmonbury on the river Shannon," whereby a new line is prescribed for the said canal in Dublin and the parts near thereto; and the said canal is directed to be carried on to or near Tarmonbury by a line near Lucan, Leixlip, Maynooth, Kilcock, Kinnegad, and Mullingar, still adhering to Tarmonbury as the ultimate destination, and guarding the rights of the Grand Canal Company by a clause prohibiting any approach within a shorter distance than four miles from their canal, but with that restriction, leaving to the discretion of the Royal Canal Company those deviations which unforeseen circumstances might from time to time suggest; and that the Royal Canal was shortly after begun near the circular road of Dublin, and carried on in the direction appointed, but before it had extended any considerable distance the whole of the 200,000*l.* was expended; and that, although the original estimates thus plainly appeared to have been fallacious, it was a fallacy in which the company had no other concern than the misfortune of being the principal sufferers by it, the expenditure (which alone was their province), had been faithfully made; and so plain did this appear, that, under the provisions of an act made in the year 1798, a farther sum of 25,000*l.* was advanced as a loan by the public to the company, on the terms of their binding themselves by recognizance to complete their canal to Thomastown, a distance from Dublin of 33 miles; and that, after expending on the works the said sum of 25,000*l.* and a further sum of 90,000*l.* raised by the company for the purpose, they once more found themselves in want of money to enable them to proceed; and that, for obtaining such money, the first expedient which occurred was an application for aid to the directors general, at whose disposal a sum of 500,000*l.* had been then recently placed by the legislature for the advancement of inland navigation in Ireland; and that the directors general, conceiving themselves bound to obtain the best terms in their power for the public, proposed to grant a sum of 95,866*l.* 7*s.* 10*d.* to the company on the terms of their reducing for ever the tolls of their canal in no instance less than one third, on some specified articles two thirds, and on potatoes brought from Dublin no less than five sixths of the former rate; it was farther required that the company should engage to extend their canal at both its extremities, so as to have it complete from the river Liffey and Constitution hill, in the city of Dublin, to the town of Coolnahay: and that a cut should be made from the canal to communicate with Lough Owell, a body of the purest water, so situate, as to command the summit level, and sufficient to supply the whole canal from Dublin to Tarmonbury, and so extensive, that it has since enabled them permanently to supply the pipes by which the northern half of Dublin is provided with water: this proposal was accepted; the terms were reduced into the form of a contract, which bears date November 3d 1801, and that contract has been completely fulfilled, on the 28th day of December in the year 1808, the whole of the works so stipulated was complete, which was done at an expence, not of the said sum of 95,866*l.* 7*s.* 10*d.* but of considerably more than 200,000*l.*; and that, to make up that sum, and many others expended on the works at different times, the corporation raised money on debentures; that in all the debentures so issued previous to the year 1798, the principal sums raised with interest thereon, at 6 per cent. were made charges and liens on the tolls and all other estates of the Company, but all debentures issued by the said company after that year, were in the nature of perpetual annuities charged on the tolls and other property; from the general confidence in their future welfare, the sum required was always procured without difficulty, in whatever form the debentures were prepared; and that the loss sustained by the reduction of tolls abovementioned amounted in the year 1809 to no less a sum than 4,363*l.* 8*s.* 5¼*d.*; to what extent it may hereafter increase, by the advancement of wealth and intercourse, cannot now be calculated, but even at the present rate the sum received by the company does not amount to 22 years purchase of the income thus extinguished for ever; and that the petitioners therefore presume to consider this transaction not as a gift to them, but as a bargain in which a permanent benefit to the public has been purchased by the directors general, at a price certainly not above its value; and that the canal having been thus extended to Coolnahay, a distance of 46 miles from Dublin, it remained that the company should take measures for the continuation of it to Tarmonbury, according to the provisions of their charter, of the acts of parliament abovementioned, and of many others since made from time to time for the regulation or aid of the company; for this purpose they caused the most exact surveys and estimates to be prepared of the different possible lines, by all which it appeared, that to complete the canal in the direction first suggested would require a sum of 340,525*l.* 15*s.* 11*d.* and a period of ten years; that by turning from that course near Tinnelick, and going a little farther to the southward, a new line might be followed, which, without deviating in any part more than a mile from the former, should return to it at Mosstown, not more than nine miles from the commencement of the deviation, and according to which the whole might be completed for a sum of 186,087*l.* 16*s.* 11*d.* and in about three years, being a saving, by means of this small alteration, of seven years in time, and of no less than 154,437*l.* 19*s.* in money; and that it was suggested that the Company might perhaps find some mode of reaching the Shannon by a Canal farther to the northward, which being so much more distant from the Grand Canal, might diminish at least, if not remove, a competition injurious, as it was said, to both; and that the petitioners accordingly directed surveys to be made with a view to that object, though certainly with little, if any, hope as to the event, some of the petitioners well remembering, and the rest of them fully believing, that that matter had been carefully considered previous to the formation of the Company, or to the charter and acts of Parliament, by all of which they had been directed to Tarmonbury; and that accordingly it turned out that the shortest practicable line which could be found farther to the north, was one turning off from the present Canal near the twentieth lock, about 34 miles from Dublin, and reaching the Shannon at Roosky, which would leave many miles of the Canal already made almost useless, and would require a sum of 497,748*l.* 12*s.* 1*d.* and a period of 15 years to complete it; and that the petitioners had no funds for the execution of any of those works, and therefore applied for aid once more to the directors general, communicating at the same time the result of the different surveys; and that the directors general, having examined carefully the several plans above-mentioned, naturally preferred that which could be executed at the smallest price and in the shortest time, but not having funds sufficient for the entire even of that line, desired that the Company should lay before them a proposal for proceeding as far as Ballymahon, on the line so preferred; this being accordingly done, the estimate amounted to above 106,638*l.* 1*s.* 3*d.*; and that the Grand Canal Company, having heard of the above circumstances, presented a petition to the directors general, complaining that the Royal Canal had from the beginning been an injury to them, and an encroachment on their monopoly, but that of late, by its extension and the reduction of its tolls, it had operated to their prejudice with increased effect; and that by coming nearer to them, it must be still more injurious, and praying that no assistance should be given to the petitioners from the public money, unless they would agree to proceed in a direction farther to the northward; and that the directors general conceived that the original question between the two companies had been long since disposed of by supreme authority, that a reduction of tolls, purchased for the public benefit, and with the public money, ought not to be turned to the injury of the petitioners, or made the ground for withholding any grant they might otherwise be entitled to; and that the mere circumstance of the line approaching nearer to the Grand Canal by a single mile could not be considered as a sufficient reason for the refusal of all aid, more especially as the distance between the two canals would still be 20 miles, five times as great as that which the legislature had though proper to prescribe as the limit; and that, when the Royal Canal should have reached the Shannon, to which the Grand Canal had already arrived, the profits which both companies might be expected soon to derive from the different tracts of that great river, with which they must respectively communicate, would extinguish all competition between them; and that the directors general accordingly ordered to the petitioners the sum of 71,092*l.* 0*s.* 10*d.* on the terms of their contracting to complete the Canal to Ballymahon, which order was duly approved of according to the act of Parliament; and that, on an appeal from this order, the lord lieutenant and council were pleased to reverse it, as tending to the injury of the Grand Canal Company, an opinion founded, as the petitioners humbly conceive, not on the small deviation above-mentioned, but on a general view of the consequences expected to follow from a continuation of the Royal Canal in any line leading so far to the southward as Tarmonbury; and that the petitioners therefore consider it as now finally determined, that they must either renounce all pretensions to aid from the directors general, or adopt the line to Roosky, which no aid within the power of that board could enable them to accomplish; and that the petitioners bow with the humblest deference to the judgment of the lord lieutenant and council, and make no doubt that the petitioners must have flattered themselves with ill-founded hopes, but they humbly submit that they were led into this error by a combination of various circumstances, and of high authorities; that their original undertaking was sanctioned by the legislature of Ireland, and though the Grand Canal Company, in their letter to the directors general, more than insinuate that that was chiefly effected by the influence of those concerned, the petitioners cannot deem so unworthily of the constituted authorities, as to suppose that the great council of the nation was led from its duty by personal consideration for them; and that, from the commencement of the Royal Canal to this hour, every step of its progress was approved by the board of Inland Navigation, and though the imputation of partiality has been cast on that board also from the same quarter, yet the petitioners cannot conceive that names so high and honourable stand in need of any vindication: and that even the Grand Canal Company contributed to the error into which the petitioners have fallen, as they looked in silence on the contract of 1801, by which the petitioners were bound to proceed to Coolnahay, far from the line which leads to the northward, and also to reduce their tolls, a circumstance which is now complained of as so ruinous to the Grand Canal, though the injury, if any, has happened by means which were the natural consequence of the reduction, and as such must have been then foreseen, to which it is not immaterial to add, that the Grand Canal Company had then the same rights of petitioning and appealing which they have now exerted with effect, as the whole treaty was founded on an advance of money out of the same public fund; so that it may perhaps not be too much to infer that the Grand Canal Company willingly permitted the petitioners to advance to Coolnahay, several miles out of the line now suggested, in the hope that, after such a waste of their time, their money and their credit, a blow given to them must be mortal; and that, whether this was so designed or not, its effects have been such as to reduce the petitioners to the necessity of now bringing forward a statement of their present condition, and of imploring the interference of the House in their favour; and that the petitioners have, as already mentioned, completed their Canal to a distance of 46 miles; that in so doing they have expended, with diligence and fidelity, the original subscription of 134,000*l.*, the grant then made of 66,000*l.*, the farther sum of 38,964*l.* raised by an increase of their stock, the loan of 25,000*l.*, the sum of 95,866*l.* 7*s.* 10*d.* purchased by the reduction of their tolls, and divers sums raised by them on debentures, as above mentioned, at several times, for no less an amount than 842,550*l.*; that they are still at a considerable distance from the river Shannon, from whence their chief profits were expected to arise, and have no funds to enable them to arrive at it; and that the general confidence in their future prosperity has hitherto afforded the petitioners great facility in raising money, and, looking with confidence to an increase of income sufficient to answer all demands, they considered themselves well warranted in accepting the sums thus freely advanced; but their hopes of reaching the river Shannon are now at an end; without effecting that object they see no prospect of any considerable increase to their tolls; and at present the whole income of the petitioners is little more than sufficient to defray the necessary charges of their establishment; and that the stockholders of the Royal Canal Company amount to no less than 283 persons; that it is now more than 20 years since those persons and their predecessors advanced to the funds of the Company sums amounting to 172,964*l.*, which in so great a length of time has produced to them little more than the common interest of their money for a single year, insomuch, that every holder of stock to the amount of 100*l.* is at this day a loser in money alone to the amount of 250*l.*; and now, after so great privations, and after so many years of unremitting attention to the business of the Company and of the public, they find themselves bereft of the hope which sustained them, and consigned to the wearisome office of directing repairs, scrutinizing accounts, and regulating the details of an income that is nearly exhausted in the expence of collecting it; and that however gloomy this picture may be, the calamitous situation of the creditors of the Company presents not a more cheering aspect; payments of interest and annuities have been hitherto indeed regularly made, by reason of which circumstance and of the general confidence in the future prosperity of inland navigation, the debentures of the Company have been sought for with avidity by all those to whom punctuality of payment is of the greatest importance, by unmarried women, by the aged and infirm, the orphan, and the widow; many of them have entrusted the whole of their little properties on this security, and the eagerness of competition with which payment is sought for as soon as due is the strongest proof of its importance to the holders of the debentures; and when, therefore, it is considered, that the sums so due for interest and annuities amount to no less than 49,824*l.* 10*s.* yearly, and that without the aid of the House, the whole must from this moment cease, it is impossible to think without horror, on the extent of misery that may ensue, and that amidst this scene of calamity the public and the inhabitants of Dublin alone have profited by the undertaking, the country has a canal of perfect construction amply supplied with water, communicating with the capital and the sea, extending more than 46 miles through tracts of the highest fertility, and subject to tolls so low as to be no obstruction to trade or intercourse, and Dublin has for its pipes an abundant supply of the purest water; and that the petitioners therefore in their distress have this consolation, that their time and labour, though lost to themselves and their families, have not been unprofitable to their country; and that the petitioners having now no other refuge, humbly beg leave to approach the House with this representation of their case, and to implore from its humanity and wisdom such relief as may seem meet, the petitioners hereby offering to accede to any terms that may be thought reasonable; if the House shall deem it proper that the northern line leading to Roosky, or any other line of canal should be adopted, and are disposed to defray the expense of it, the Royal Canal Company are willing to devote to it their time, industry, and experience; but in that case, they presume, they will not be thought unreasonable in hoping that the payment of the annuities secured by their debentures, together with the necessary expenses of the establishment, may be provided for by the public until the funds of the company shall be sufficient for that purpose; and that if on the other hand it shall be thought more advisable that the Royal Canal should become public property, and be placed under the management of public officers, the petitioners are ready to accede thereto on such terms as may be agreed on; and therefore praying, such relief in the premises as to the House shall seem fit."

Ordered, That the said Petition do lie upon the table.

ARMY UNCLAIMED PRIZE MONEY BILL.] Mr. *Long* presented to the House, "an Account of the several sums of money received from the Army Prize Agents by the deputy treasurer of Chelsea hospital, under the authority of the acts of the 45th and 49th of his present Majesty, specifying the dates of the capture, the dates of the general distribution to the captors, and when paid into Chelsea hospital, with the appropriation of the several sums, to the 24th of March 1811." He then moved for leave to bring in a Bill to alter and amend the 49th of his Majesty, which had been enacted for the purpose of affording every opportunity to the soldier to procure his Prize Money, which, if not claimed within a certain time, went to the chest of Chelsea hospital. In consequence of that Act, 280,000*l.* which had been in the hands of agents, was paid into the hospital. As much of that money had been acquired in the early part of the war, in the years 1793 and 1794, it was very probable that it would never be claimed. It was therefore considered proper that instead of permitting it to remain useless, the public service should be benefited by it, taking care that sufficient provision should be made to discharge any claims which might hereafter be made on this fund. This regulation would render necessary a number of new clauses, which were as follow; 1st, to indemnify the treasurer for any sums paid out of the unclaimed prize money for the public service; 2d, to enable him to pay sums under 20*l.* without obliging the party claiming to administer to the person deceased, the expenses of administering being so great, as in many instances, to deter individuals from claiming small sums; 3d, to enable the treasurer to direct precepts to army paymasters who had not distributed the sums entrusted to them; 4th, to permit the treasurer to pay prize money to the representatives of foreign soldiers, in the British service, who had died intestate, without calling on them to administer, and 5th, to authorise an account to be laid before parliament, at stated periods, of the unclaimed army prize money.—Leave was given to bring in the Bill.

STATE OF THE THEATRES OF THE METROPOLIS.] Mr. *Taylor* prefaced his motion upon the present state of the Theatres in the Metropolis with a few observations, which were scarcely audible in the gallery. He stated that before they proceeded to consider next session the propriety of erecting an additional Theatre, it was, he thought, desirable that they should in the interim endeavour to ascertain the existing state of the drama, as well as the privileges exercised by the present theatres, to the monopoly of exclusive departments in the drama. He did not mean at present to go into any sort of detailed reasoning upon the question. The abstract principle upon which his motion and all similar applications, were grounded, was this simple proposition, namely, that the innocent and instructive amusement of the public was in itself a good, that to that good the public had *prima facie* an unquestionable right, and that no restrictions should be put upon the enjoyment of that right, but upon cogent reasons for so doing, and that any extraordinary restriction could only be justified upon the grounds of absolute necessity, or those of a political expediency, rendered by circumstances nearly as obligatory. The investigation he now intended to move for became the more necessary on account of the mummeries now exhibiting in some of the theatres, which indeed called for the interposition of that House, as having so direct a tendency to deprave the taste and injure the morals of the people, and which ought of necessity to be put down. He did not mean that his present motion should interfere at all with the interests of the renters in the late Drury-lane theatre. He then moved, That a Select Committee be appointed to inquire into and report upon the present state of the Dramatic and Scenic Representation at the Theatres in this metropolis, together with the grounds and nature of the privileges and immunities claimed by the several Theatres, and the restraints imposed thereby upon the amusements of the public.

Mr. *Whitbread* was greatly surprised that the hon. member should make such a motion after what had so lately passed, or that he could find any one to second his motion. Now, that the accounts of Drury-lane theatre were nearly disentangled, the proprietors satisfied, and a new scheme for re-building it in full progress, it was strange that an hon. member should think he had found out the proper time for throwing the whole into confusion. He was quite sure the hon. member did not mean to exhibit any hostility to the interests of the sufferers at Drury-lane, but he must have been conscious that the appointment of a committee to inquire into the abstract merits of any question touching the monopoly, must tend to throw cold water upon the present public inclination to the undertaking. If it was objected that there were not theatres enough, why not wait for the re-building of Drury-lane, and then ascertain whether more were wanted? A misconception had gone abroad relative to the nature of the Drury-lane patent. So well was parliament convinced of its solidity, that the subscribers to the rebuilding were, by the act of parliament, enjoined to pay in the first instance a large proportion for the patent. He had no idea that the House could entertain the motion after what it had lately done, and would advise the honourable member to withdraw it.

Mr. *Taylor*, after a few words, consented to withdraw the motion.

EAST INDIA COMPANY'S BONDS BILL.] Mr. *R. Dundas* moved the second reading of the East India Bonds Bill.

Lord *Folkestone* opposed the Bill, which, he contended, the present situation of the Company's affairs did not warrant, there being at present a balance of 3,000,000*l.* against the company, arising from bills drawn in India. There was a Committee then sitting for the purpose of examining into their affairs, and he thought more information should be submitted to the House, before they agreed to the present measure.

Mr. *Wallace* said, that whenever any plan was proposed for the accommodation of the East India Company, there was always to be found a set of gentlemen on the other side of the House ranged in opposition against it. The present Bill had no other object than to enable the East India Company to raise money on their own credit in the way most convenient to them.

Mr. *Creevey* observed, it was singular enough that the company, when they had a revenue of seven millions, should have a surplus of one million, while now that they have a revenue of fifteen millions, they have no surplus. One was at a loss to conceive that with so great an increase of revenue, the bond debt of the company should go on increasing as it did. The public ought to be put in possession of a state of the company's affairs, as was done in 1793. The celebrated Committee up stairs, which had now sat for four years, and which during the present session had not in fact been occupied altogether more than four hours, or six at the utmost, seemed to have avoided all trouble of discussion of the company's affairs. Before such a measure as the present was allowed to pass, the public ought to be put in possession of the true state of the company's affairs; and he pledged himself to move Resolutions of fact on that subject in a subsequent stage of the Bill, and to prove that the company were actually six millions worse than nothing. In order to give time for the production of the information on which alone the present proceeding could be with propriety founded, he moved as an Amendment, "That the Bill be read a second time that day se'nnight."

Mr. *R. Dundas* said the hon. gent. (Mr. Creevey) had wandered quite away from the subject of debate. The question was, whether the Company were or were not to be allowed to raise two millions on their own credit, not to increase their present debt, but by borrowing money in England, to enable them to pay off their debt in India. Bills of exchange had been drawn on the Directors from India, for which it was necessary that funds should be provided. The hon. gent. asked for more explanation, but what more explanation was in reality wanted? It was merely a transfer of a sum from creditors, to whom they were paying eight and ten per cent. to other creditors in this country at 5 per cent. With respect to the Committee, they had reported fully on the accounts up to 1809, and the moment the accounts for the ensuing years could be got ready, they would be submitted to the House. He spoke of the absurdity of the hon. gentleman's treating the affairs of a Company in possession of the revenues of an immense empire, as he would treat the affairs of a private merchant, maintaining that if they could not instantly pay off their debt, they were to be considered as bankrupt. Could Great Britain pay off her debt instantly, and was Great Britain to be considered, therefore, bankrupt? But had the Company means to set against their debt? He maintained they had, and on grounds fully as authentic as any thing which he believed the hon. gent. could produce. Last year, for instance, there was an estimated deficit; but in place of that, there was a surplus of 3 to 400,000*l.* Moreover, the interest of the debt in India, had been reduced by the able management of lord Minto, from 8 or 10 to 6 per cent. which alone would occasion a saving of 500,000*l.* The hon. gent. had thought fit to wonder why the charges had not been reduced so much as they ought to have been, though there had been a peace of six years. But the establishment in India had not been reduced; several expeditions had been fitted out there, a great part of the expence of which would fall upon the East India Company; and there had been also occasional disturbances in India. The debt of the Company was not now more than 23 millions. He asked the hon. gent. when he meant to bring forward his vindictive motion against the East India Company, for their breach of faith in making a dividend of 10 per cent?

Mr. *Creevey* said he should not bring forward his motion till the Report of the right hon. gent., the Chairman of the Committee, was discussed.

After a few words from lord Archibald Hamilton and Mr. Grant, the motion for the second reading was agreed to without a division.

British and Irish Militias Interchange Bill.] Mr. Secretary *Ryder* moved the second reading of the Militia Interchange Bill. While on his legs he thought it right to apprise the House of certain additional clauses, which it was his intention to move in the Committee. These he then communicated in substance to the House, and at the same time gave notice of certain regulations with respect to the pay of the soldiers, which he had it in contemplation to move in the Committee of Supply.

Colonel *Stanley* thought the effect of the measure would be to throw the landed interest out of the service, and to create dissensions among the soldiers. He had been once to Ireland; he then went of his own free will; but if this Bill were passed he would not go again. He would be most happy to promote the interests of Ireland; but he did not conceive he should do this by giving his support to the proposed arrangement; and, thinking as he did, that it would be likely to give a death blow to that constitutional force, which had rendered such essential service to the country, he should conclude by moving as an amendment, "That the Bill be read a second time on that day three months."

Mr. *Elliot* could not see the necessity of the measure, and he must learn its wisdom from somebody else. He thought the Bill would be apt to introduce an unsoldierly spirit into the Militia. An option of going was to be given as he understood the Bill: but this very option was the worst form of making the service of the country acceptable. The officers in some regiments would choose to go to Ireland; in others the men would choose it; and a disagreement would arise between the men and their officers. The spirit of canvassing would be excited among the soldiers: there would be an Irish and an English party. Those gentlemen of Ireland, who were most necessary to such a country, would be taken away, and all those inconveniences were to be raised without the pretence of a necessity. He should vote for the Amendment.

Mr. *Parnell* intended giving the Bill his support, if a provision were made in it for securing the Catholic soldier the free enjoyment of his religion. If no such provision were made, he should feel it his duty to oppose the measure.

Lord *A. Hamilton* objected to the Bill, in as far as it would go still farther to prevent qualified persons from accepting of commissions in the Militia. A gradual decrease in qualified officers had been going on year after year, and the present Bill would go to sweep off all those below the rank of field officers. Formerly balloted men bore a great proportion to substitutes in the militia, now they were not as one to ten. If we were neither to have officers nor men, in this our constitutional force, in the old and constitutional form, it would be better at once to annihilate it entirely. He begged to ask one question of the right honourable Secretary; the officers in the militia of this country were subject to the Income Tax; in Ireland there was no such tax. Now, he wished to be informed if the officers of the Irish Militia, who came to serve in this country, were to be exempted from this tax; or if they were to come and serve here with 10 per cent. off their income?

Lord *Palmerston* thought the motion the most important that had been made since the Union, and could not but think the Union incomplete till it was adopted. The security it would afford against invasion was one great object, but that was second in importance to another consideration. The immense advantages likely to result from its uniting all classes of both countries, was an object more desirable, and one which, as it was certain of being attained, he regarded as that which most strongly recommended the adoption of the measure.

Mr. *Whitbread* was convinced the effect of the measure would be to take all country gentlemen out of the militia. He should not, however, oppose the Bill in its second reading; but if clauses were not introduced in the Committee, protecting the Irish Catholic soldier in the exercise of his religion in this country, and also protecting him in the free exercise of his religion as he would be protected in Ireland, and that, too, not by sufferance merely, but as a matter of right, he should oppose the Bill in its further stages.

Colonel *Ellison* was of opinion that the Union with Ireland, of which he thought highly, should be drawn closer and closer by every tie of amity, affection and community of intercourse. The present measure, on this feeling, had his entire concurrence. He felt, and he trusted every other Militia officer would feel, that, to the attainment of so grand a national object, all personal, and therefore, inferior, objects of convenience ought to yield. There should, in his opinion, be no more distinction between England and Ireland than between Lincoln and York.

Lord *George Cavendish* thought the length of the war had already rendered the militia service irksome, but the present measure would make it disgusting. He did not know if ministers were prepared to do away qualifications entirely, but he was satisfied that the present measure would go far to render that necessary.

Col. *Duckett* thought that here a temporary evil was to be endured when likely to produce a permanent good.

Mr. *C. W. Wynn* objected to the present Bill, as giving to his Majesty the right of sending a whole regiment over to Ireland without any officer whatever above a serjeant; in which case, he asked, could it any longer be considered as a regiment of militia? If this species of force was only to retain the name, and to lose the essence, all the advantages resulting from it must fall to the ground. The alternative was by this put to every officer in the militia, either to go to Ireland when called on, or to resign. He must protest against this measure as being the last step in the conversion of the militia force of the country into one of a very different description. He hoped the right hon. Secretary of State would not hurry the Bill through the House, and that he would not move for its being committed before that day se'nnight, in order that the officers of the Militia might have time to peruse the Bill.

Mr. Secretary *Ryder* expected no advantage would be found to result from its being so long postponed. He thought the House would be as well prepared to decide on the merits of the case by Monday, as by the time proposed. The more it was canvassed and considered, the more he was confident, it would be approved. It might be satisfactory to the House to know that he had in his possession offers from various regiments to serve in Ireland. One objection started to the measure was, that it would expose the officers to greater expences than they would otherwise be liable to bear. This was not correct. Whether they took the case of an officer leaving his family at home, and being in consequence obliged to sustain the expence of visiting them, or that of an officer being at the charge of taking his family with him, still it would be found, that the expences and inconveniences to which they would be exposed, were less than those which they already experienced, as the law now stood, and the distance which they would be taken from their homes less than that to which they were at present liable to be marched. The only inconvenience (if there were any inconvenience at all), was the few hours' sail which they must have on their way from the one country to the other. Leave of absence would be then as easily obtained as now, and the discipline of the Militia would not be likely to suffer by the alteration. It had been said on a former night, that the Irish Militia in England were to be exactly in the same situation as they were in Ireland. The Bill, however, contained one clause which might legally be construed into a provision of the nature required. Even that, though, he contended was not necessary, because the situation of the Militias, interchanged by a Bill of this sort, would (unless provision were made to the contrary) be the same as if they had remained at home. Under all the circumstances, it was not his intention to introduce any provisions of the nature recommended, for the operation of the Bill would be such, that the Irish soldier would be in the same situation in this country as in Ireland.

Mr. *Whitbread* inquired whether they were to be at liberty in religious affairs, from privilege, or from indulgence, as there was a material difference between privilege to which they had a right, and indulgence bestowed at pleasure?

Mr. Secretary *Ryder* said, whether it was derived from privilege, from indulgence, or from right, they would be the same as in Ireland.

Colonel *Bastard* contended that the adoption of the measure would be a breach of faith. If the Militia had answered the end for which it was formed, it would now be better to put an end to it than to make the proposed arrangement. For his part, he would rather make a campaign or two in Spain or Portugal, than go to Ireland; as in the former case he might be of some service, in the latter none.

The Bill was then read a second time, and committed for Monday.

HOUSE OF LORDS.

Friday, May 24.

Mr. Palmer's Claims.] The Earl of *Liverpool* addressed their lordships on the subject of the recent vote of the House of Commons, in favour of Mr. Palmer. He expressed his satisfaction at the notice taken by noble lords of the subject on a former evening; and he disapproved of such a proceeding on the part of the other House, after the question had been fully discussed, and decided in the negative by their lordships. He thought it preferable that no proposition should be made in that House, in consequence, but that they should wait until the answer of his royal highness the Prince Regent upon the occasion should be known. He, for one, as a member of his Majesty's government, or an adviser of his royal highness, should not recommend to him to sanction or authorize the grant of money for satisfying a claim which their lordships' House had decided to be unfounded.

The Earl of *Radnor* expressed his satisfaction at what had fallen from the noble secretary of state.

Criminal Law Bills,] Lord *Holland*, pursuant to notice, rose, to move the second reading of the Bills brought up from the Commons, and proposed by sir Samuel Romilly, for repealing the capital punishments annexed to the offences of stealing in dwelling-houses and shops, beyond a certain amount; stealing on Navigable Canals; and in bleaching grounds in Great Britain and Ireland. He first stated the origin and nature of the acts which rendered the offences in question capitally punishable. These enactments took place in the reign of William the third, and of queen Anne; and he adverted to the very different nature of the existing laws of England, from what they were at those particular periods: and also of the very material difference in the value of money. It was judged, under the circumstances of those days, advisable to punish these offences in the most compendious, though not the most efficacious, way they could devise, namely, by the dreadful punishment of death. The Bills under consideration, though evidently for one general object, did not exactly rest upon the same grounds. Those which related to the depredations committed in bleaching grounds, proceeded exactly on the same principle, and were more particularly entitled to the attention of the House as the very individuals whose properties were concerned, in both parts of the united kingdom, had come forward, and requested the legislature to new-model the law, as, from the effect of its extreme severity, their properties were the more exposed in consequence of the very great uncertainty of punishment. Thus, the persons the most interested had clearly expressed their sentiments. In point of principle and object the Bills were the same. From the extreme rigour of the existing laws, the actual punishment of offenders became very uncertain; and thus, instead of restraining the commission of offences, they were in effect multiplied. This was incontrovertibly true: long experience evinced it. What he advocated when he urged their lordships to sanction the Bills in question, was not the cause of theory or speculation; It was founded in recorded facts—in the annals of the criminal jurisprudence of the country. In point of fact, the practice of the law in these respects was against the letter of the law: and the subject solved itself into the question, whether the terror of punishment or the certainty of punishment was the more likely to deter from the commission of crimes? The unfavourable operation of the present rigorous enactments existed in more ways than could be evidently ascertainable. It was not only the difficulty of obtaining convictions on prosecutions in courts of justice that was to be considered, but the numbers who were deterred from the prosecution of offenders, lest they should endanger the life of a fellow-creature, for the value of the paltry sum of five shillings, or even of forty shillings. That numbers were so deterred, he had a right to assume in argument, from those circumstances which were of daily and evident notoriety. Nor was even this the worst. Juries had been known to incur the crime of perjury rather than commit the culprit before them to the hazard of capital punishment. There happened a case in which the charge was the stealing of a 10*l.* bank note. This the jury, in the warmth of their humane feelings, thought proper to reduce in their verdict, to a nominal value below 40*s.* whereas in justice the verdict should have been that the prisoner had stolen the bank note, or had not stolen it. And it was before them in authentic statements, that out of 1800 persons who were tried for the offences specified, in the Bills in question, not above one in seven years had been executed. It was admitted on all hands, it was notorious, that the commissions of these offences were progressively increasing; and the generally assigned cause was the extreme rigour of the existing law in these respects. Even the officers of the customs and the excise had expressly stated their opinions, that, in the case of the revenue laws, the severity of the punishments prescribed, eventually caused an increase of the offences, and they recommended a relaxation on that ground. The consequence of the present state of the law, by diminishing the chances of punishment, or even conviction, was an increase of the offences; and this view of the question alone, were there no other, should be sufficient to induce the legislature to modify and relax the rigour of the law. It might be urged against him, that generally in cases of conviction the law was not executed to the extent, but mercifully administered. But this was the mere exercise of a discretionary power; and he was unwilling to vest, in such frequent instances, a power over the lives of their fellow creatures, in any individuals, however highly he might respect them. It was a power which should be confided to them only in cases of extreme necessity. He did not lay much stress upon what was done in these respects in despotic countries; in Russia, for instance, where the punishment of death was said to be abolished, because in such countries the whole system of the law depended upon the will of one, or of a very few individuals. The principle upon which the legislature should proceed, in free countries, was widely different. Pressing his line of argument for relaxing the severity of the law, the noble lord contended, that it eventually operated as an inducement to the commission of offences, inasmuch as every commutation of the punishment from death to transportation, was regarded by the convicted as a species of escape, and this encouraged others to hope they should meet with equal good fortune: and they had to consider whether it was not better to assimilate the law to the practice, than to suffer the present inefficacious, nay injurious system, to continue. The noble lord concluded by moving the second reading of the Bill for repealing the capital punishment on the conviction of stealing to the amount of 40*s.* in any dwelling house.

Lord *Ellenborough* thought the whole of this argument might be confined to this alternative; either there must be a high punishment for the aggravated commission of a general crime bearing the intermediate degrees between that and the lowest penalty, to be supplied by the discretion of the judge; or there must be a graduated scale of punishment, proportioned to all the shades and difference of crime. The latter mode was a theory borrowed from the Chinese code, which, in a late pamphlet, was represented to embrace the shades of difference of crime, from murder, down to those of the lowest denomination, where even the blows of the baton were not only numbered, but the size and thickness of the instrument ascertained. Such a system he contended was ridiculous, and as absurd in theory, as it would be found nugatory in practice. Judge Blackstone's authority had been referred to, but what he stated on the criminal law was written at a period of his life when he was inexperienced, and though his authority was great and deservedly respected, yet it was not equal to other eminent legal authorities. The Bill which altered the law as it regarded privately stealing from the person, had, he knew beyond all doubt, increased that offence to a serious and alarming degree. He instanced some cases of gross atrocity which had come to his knowledge, at the last sessions at the Old Bailey. Two of the Bills on their lordships' table, respecting stealing from bleaching-grounds in England and Ireland, he should not oppose, on account of the petitions from those who were to receive the protection of the law. The other three, respecting stealing from shops, dwelling-houses, and canals, he should oppose; for they went to alter those laws, which a century had proved to be necessary, and which were now to be overturned by speculation and modern philosophy. He thought prosecutions were in general most sturdily pursued; and instead of prosecutions being encouraged, there was reason at all times to restrain them; for the parties appeared not to be wanting in an appetite for conviction. Juries, in general, acted according to their anxiety; and this might be called a vice inherent in the constitution of man. The discretion in Judges was a power they exercised with pain; but he did not perceive how that mode of administering the law could be dispensed with. His endeavour was to discharge his duty, however he might be misrepresented; but he would never sacrifice his conscience to the cowardly fear of misrepresentation. When he was appointed to the situation he filled, he made a covenant with himself, that he would always appear in that House, and state to their lordships all the knowledge with which he might be supplied from experience, as to the making, altering, or repealing of the laws of the land. In that capacity he offered himself at present, and he trusted that they would not readily change what the experience of a century had proved to be beneficial, for the illusory opinions of speculatists. The noble and learned lord moved, as an amendment, That the Bill be read this day six months.

The Earl of *Lauderdale* contended, that the noble and learned lord had no just ground on the present occasion to arraign the framers or supporters of the Bills before the House, of an inclination to introduce what he was pleased to call modern philosophy. The same principle upon which these Bills stood, had lately been acted upon by their lordships in the framing of a Bill to consolidate into one, all the acts which made death the punishment of certain offences against the excise laws. Some of the first legal authorities in the country had given their attention, their labour, and their approbation to that measure; and no one thought of describing it as an attempt to introduce and establish a system of criminal law, on the basis of what was termed modern philosophy.

The *Lord Chancellor* referred to the example of the disposition which men's minds had to examine the principles upon which our criminal code was framed, a disposition which he himself felt in early life, before observation and experience had matured his judgment. Since, however, he had learned to listen to these great teachers in this important science, his ideas had greatly changed, and he saw the wisdom of the principles and practice by which our criminal code was regulated. It was impossible to observe the various forms and aspects under which offences of the same class, and liable to the same punishments, offered themselves to our view, without feeling the necessity of allowing a degree of discretion in apportioning the different degree of punishment with which each should be visited. In proof of this assertion, the noble and learned lord adduced a variety of cases; and argued for the necessity of vesting a very large share of discretion in the judges. Of this the framer of the present Bills appeared himself to be very sensible; for, while he took away the pain of death, he allowed the judges great latitude of discretion in measuring out the punishments which he wished to substitute in the room of death. After the most serious attention, however, to these cases, it was the conviction of his mind, that as long as human nature remained what it was, the apprehension of death would have the most powerful co-operation in deterring from the commission of crimes; and he thought it unwise to withdraw the salutary influence of that terror. The noble and learned lord disclaimed the smallest intention to impute improper motives to those who differed from him in opinion, with regard to the present bills.

Lord *Erskine* said, that the British nation was confessedly the most moral of any nation now known; and if in such a nation, he observed that a great number of offences were committed, to which was attached death, he should impute such an occurrence rather to something vicious and defective in our criminal code, than to any depravity in the moral disposition of our people. When he saw that out of one hundred prosecutions, fifty or sixty convictions and executions followed, then he should be satisfied that such offences should be punished by death; but when out of a thousand prosecutions, he observed that only one conviction and execution followed, he should also infer, that the legislature must see, that the pain of death was not applicable to such offences, on this ground he should support the motion now before the House.

Lord *Redesdale* considered the discretion with which the judges were entrusted, as extremely beneficial. Allusion had been made by a noble lord to the Committee of that House, to whom the revenue laws, as far as respected the penalty of death, had been referred. The statement of that noble lord was not, however, correct. The fact was, that in the act which had been brought in, in consequence of their proceedings, the language of the former acts had been greatly simplified, but very few of the capital punishments had been commuted. In two instances, only, he believed, had an alteration been made, and these were cases in which it was found better, by substituting pecuniary penalties, to render the risk of committing the offence greater, than any benefit which could accrue from its perpetration.

The Earl of *Lauderdale* contended that his statement was correct. By the revenue laws, as they originally stood, there were 95 offences punishable with death; by the late Bill they had been reduced to 25.

The Earl of *Liverpool* observed, that the reason which influenced the House to refer the revenue laws to a Committee was, that, in several of those acts, the penalty of death was enacted "by reference." This was most improper, and therefore the House had thought fit to investigate the matter. Direction was given to the judges to include in one act all the revenue laws which enacted the penalty of death. This Bill was referred to a Committee up stairs, and all those who were practically acquainted with the subject were examined as to the propriety of retaining or commuting the punishment of death attached to many of the offences. The proceeding bore no resemblance to the measure then before the House. The noble lord who brought in the Bill had passed a high eulogium on the talents of the hon. and learned gentleman who had framed it. He was willing to concur in that eulogium; but it should be recollected that the branch of the law to which that hon. and learned gentleman applied himself, could afford but little information on the criminal law. He objected not so much to the Bills themselves, as to the principle on which they were founded, which might be applied to the whole criminal code. That code had succeeded as well as it was possible for any system of criminal law to succeed. He should therefore oppose the Bills, which, while he was sure they could effect no good, might be productive of very great mischief.

The Marquis of *Lansdowne* said that the facts which were admitted to have been proved before the Committee on the revenue laws, that, in many instances, the severity of punishment had increased the unwillingness to prosecute, and thereby become the means of increasing offences, were sufficient to prove the necessity of the interference of the legislature. Those who asserted that it was intended to take away all discretion from the judges were mistaken. By examining the Bill it would be found, that the judge could vary the punishment from transportation for life, to the period of seven years, or even to imprisonment for a certain time.

Lord *Holland* replied briefly to the arguments advanced against the Bill.

The House then divided, when there appeared—

For the original motion............10
For the Amendment...............27
Majority ....—17

The Bill was consequently lost. The Dwelling-house Robbery Bill, and the Navigable River Stealing Bill, shared the same fate. The English and Irish Bleaching-grounds Robbery Bills were read the second time, and ordered to be committed on Monday.

HOUSE OF COMMONS.

Friday, May 24.

PETITION FROM WATERFORD RESPECTING THE BANKRUPT LAWS.] Sir *John Newport* presented a Petition from the Merchants and traders of the city of Waterford; setting forth,

"That the petitioners having now, for a series of years, felt the pernicious influence and injurious operation of the present system of administering the bankrupt laws, and experienced, in many instances, the inefficient nature of these laws themselves, having witnessed the increased frequency and too often triumphant impunity of fraud under a code enacted for its prevention, and having suffered from the very heavy expences and tedious delays attendant on all attempts at the detection and prosecution thereof, beg leave most humbly to entreat the attention of the House to a subject of such vital importance in a commercial and trading country; and they entreat it under a conviction that the evils of which they complain take their rise in part from an inefficient code, but principally from the very defective and injudicious nature of its administration; under this conviction, the petitioners humbly pray a revision and amendment of the bankrupt laws for the following amongst other reasons: first, because the administration of the laws is entrusted to commissioners, who, by reason of their scanty allowance, are compelled, in a great degree, to depend on general practice at the bar for their support, and are therefore unable to devote little more than an hour at any one time to the investigation of accounts, however complicated, or detection of frauds, however subtle, because the commissioners are paid according to the number and not according to the duration of their sittings, and are consequently not uninterested in according to every proposal of adjournment, that great source of delay and expense; second, because the expenses of a commission, which in all cases are considerable, and in many most enormous, are uniformly charged upon the bankrupt's fund, a fund which, from its nature, instead of being taxed in so oppressive a manner, and thereby so seriously diminished, ought to be relieved from every burthen, and rendered as productive as possible; third, because too great difficulty attends the proof of acts of bankruptcy, even in cases of unequivocal insolvency, and in the obtaining a joint commission, whence fraudulent references are had on mortgages and other securities, and considerable impediments raised against the recovery of the bankrupt's effects, and their collection thereby rendered most difficult and expensive; fourth, because the property of a trader, taken under execution, is constantly sold at a most ruinous undervalue in consequence of the precipitancy of sheriffs in the sale thereof, caused by their apprehensions of some being rescued from their hands by the issuing of a commission of bankruptcy, by which sale the creditors of such trader are most grievously injured; fifth, because punishment of death, to which nonconforming and fraudulent bankrupts are indiscriminately liable, confers impunity by preventing prosecution, and because there is no sufficient penalty against persons who shall harbour a concealed bankrupt, or shall assist in embezzling or concealing his effects, or in withdrawing them out of the realm; sixth, because the punishment in fabricating fraudulent liens and covers on property in contemplation of bankruptcy is not sufficiently comprehensive or penal, and does not extend to agents and accessaries as well as principals; seventh, because bankrupts have not now any fair means of support during the progress of a commission, and therefore under strong temptations to be guilty of concealment, and to commit perjury for the preservation of their existence, and because they are often deprived of their legal and merited allowance, when entitled thereto, by the uncontrouled prodigality of expence attending commissions of bankruptcy, and because commissioners have not the power of encouraging good conduct in bankrupts, by ordering the expence of their certificate to be paid from their effects; and that the petitioners, having now detailed some of the numerous imperfections in the bankrupt code, and of the evils of its practical administration, and being persuaded of the incalculable injury they have and must ever produce in a trading country, by destroying the security and confidence of commercial dealings, most earnestly entreat the House to take the same into its most serious consideration, and to enact such regulations therein as to its wisdom shall seem best calculated for the more effectual prevention of the same in future."

Ordered to lie upon the table.

Mr. Palmer's Claims—The Prince Regent's Answer to the Address.] Lord John Thynne reported to the House, that their Address of Tuesday last, humbly to beseech his royal highness the Prince Regent to advance to John Palmer, esq. the sum of 54,702*l.* 0*s.* 7*d.* being the balance due to him on the net revenue of the Post Office, from the 5th day of April 1793 to the 5th day of January 1808, and to assure his royal highness that this House will make good the same, had been presented to his royal highness; and that his royal highness was pleased to give this most gracious Answer:

"George *P. R.*

"It must at all times be my most earnest desire to attend to the wishes of the House of Commons, and I shall be ready to give effect to them in this instance whenever the means shall have been provided by parliament."

"Carlton House, 24th May 1811."

Cotton Wool Bill.] On the order of the day being read for the House resolving itself into a Committee on the Cotton Wool-Duty Bill,

Mr. *Rose* said he had made inquiries respecting the probable effect of the Bill, in consequence of the apprehension which had been expressed: and the result of them was that no inconvenience appeared likely to arise that could justify the alarm spread abroad. It was, however, his intention, as such a feeling was excited, and as the lower classes could not be convinced how groundless were their fears, to move, That the order for the committal of the Bill should be postponed to that day three months.

Sir *R. Peel*, though he did not agree with the right hon. gent., that any good could come of the measure, rejoiced most heartily that ministers had the good sense and prudence to relinquish what the parties most interested thought so highly destructive to their interests.

Mr. *Whitbread* could not divest his mind of the idea that the right hon. gent. had had rather a bitter pill to swallow; but he admitted that he had swallowed it with the best possible grace. The motion of the right hon. gent. would have filled him with the greatest surprise, if the matter had not been broke to him by an intimation which had been given since he entered the House. It was rather surprising that the right hon. the Chancellor of the Exchequer, who the day before yesterday was so confident no inconvenience could result from the measure that he would hardly grant eight-and-forty hours for the further consideration of the subject, and to give time for the sentiments of the manufacturers to be known, should so soon make up his mind to give up the measure altogether. The late Mr. Pitt used to extol every tax he proposed, as being the best that could be made, and as being such that no possible inconvenience could thence be expected to arise. It should seem that the right hon. gent. had been ambitious of imitating him on the present occasion in a minor degree. He had set out with saying that it was impossible for any evil to follow its adoption, but, on the contrary, much good was to be expected from it, and ended by giving it up. He was happy to find it was so given up, as under the circumstances of the case, it was impossible to suppose any speech of his could have inflamed the manufacturers, so as to render it expedient on that account. Though surprised, he was pleased at the change, which, however it was to be accounted for, he could not receive without feeling disposed to throw some discredit on the premises from which this conclusion was stated to be drawn.

The *Chancellor of the Exchequer* felt himself under the necessity of saying a few words in support of what had fallen from his right hon. friend. With him, he thought the alarm which had been spread abroad, had been so spread without sufficient grounds for it being proved to exist. The hon. gent. who spoke last had expressed himself to be surprised and not surprised, so often, that he (the Chancellor of the Exchequer) did not know whether he at last wished to be understood as being surprised or not. He had, however, expressed himself happy that the measure was relinquished; and he (the Chancellor of the Exchequer) was glad to see it had given him such good spirits and good humour; for that he was in a good humour was evident, notwithstanding the apologies he had thought it necessary to make for seeming pleased. The apprehension felt on the occasion, he regarded as extravagant; but at the same time, as that alarm had been found to exist, it was judged best not to impose the duty that government had it in contemplation to lay on. When he opened the Budget, he had stated to the Committee, that such ample provision had been made for the service of the year, that he thought it unnecessary to lay on any additional duties, but such as, dictated by commercial policy, were regarded as wholesome and judicious regulations. As the parties likely to be affected by the Bill, were now suffering from the pressure of the times, if after the alarm had been excited, the Bill had still been persevered in, it might have appeared to them an insulting aggravation of their present embarrassments. Under these circumstances, and with these feelings, he had resolved to withdraw it; and for the reasons already stated, while he did that, he should not feel it necessary to supply what it might have produced by imposing any new tax.

The motion for postponing the Committee to that day three months, was then agreed to.

Abolition of Crimpage.] Mr. *Croker,* in answer to a question put on a former night by an hon. gent. then present (Mr. Whitbread), begged leave to state the nature of the fund newly created by fines for the discharge of seamen. According to the old arrangement, when a seaman was permitted to procure a substitute in order to quit the service himself, his only course was to apply to persons called Crimps, who charged at the rate of 100 guineas for an able-bodied seaman, and 50 guineas for a landsman, and they insisted that the entire sum should be deposited in the first instance, often before they had obtained the substitute themselves. The consequence of this was, that months, and even years elapsed, before the substitute was found; and the individual, who paid his money, had often sailed to a foreign station, or, perhaps, died, before the object was accomplished, losing, to his distressed family, the full amount of his discharge. The government, considering this a subject which called for its interference, resolved to interpose its authority, and put an end to the iniquitous trade of Crimps altogether. With this view it was determined by the Board of Admiralty, that the man should be discharged, the moment his discharge was paid for at the rate of 80 guineas for an able bodied seaman, in the place of 100, and 40 guineas for a landsman, in the place of 50, as charged by the crimps under all the casualties of imposition and delay. The money thus received, was carried into the fund for raising volunteer seamen; and he had the satisfaction to state to the House, that all the objects of the arrangement were fully answered. There was likewise an adequate security for the proper application of the money, there being no less than five checks upon the fund. This, he hoped, was a satisfactory answer to the question of the hon. gentleman.

Mr. *Whitbread* declared himself perfectly satisfied with the explanation, and was confident the public would be perfectly satisfied also.

East India Board Officers Salaries Bill.] On the question for going into a Committee on this Bill,

Sir *Charles Pole* opposed the Speaker's leaving the chair. He stated some objections to the Bill, and among others, insisted strongly upon the impropriety of placing the clerks of the Board of Control upon a better footing than the clerks of the Navy Office, by increasing their salaries. If such a principle were once recognized by parliament, there could be no knowing where it would stop. Every other department under government might feel itself entitled to an increase; nor did he see how the subalterns of the army and navy could be refused, after such a proceeding.

Mr. *R. Dundas* thought the hon. admiral completely misconceived the facts of the case: at the present moment there was an annual deficiency of 1,300*l.* and unless that deficiency was supplied, the salaries of the clerks would be diminished; which he was sure the hon. admiral could not have in his contemplation. The question here was, whether the clerks at the India Board could be got at less expence; and when it was considered that the four senior clerks had duties to perform, which required an education and attainments beyond ordinary accounting-clerks, he was prepared to say that it was utterly impossible to get effective persons for an inferior salary. It was proposed that the salaries of the senior clerks should not exceed 600*l.* a year, and those of the inferior ones 400*l.* a year, and it seemed strange to expect they should perform their various duties for a less consideration. The hon. admiral had directed his remarks against one clause alone of the Bill, but as there were several others which required consideration, he trusted he would not oppose the Speaker's leaving the chair.

Mr. *Robert Thornton* supported the Bill, and thought, that when the salaries of all other clerks were raised, those belonging to the India Board should not form a solitary exception, and be driven down in society, by being worse off than others in the same rank of life.

General *Tarleton* argued against the injustice shewn by ministers, in bringing forward a measure which was to improve the condition of the clerks in the India House, while they refused to raise the pay of the army, who were deprived of those domestic comforts which the former possessed. The stipend of every clerk was raised, but there had been no increase in the pay of the army since the reign of Charles 2, with the exception of something to the subalterns of the line and cavalry, which did not amount to more than the property tax. In the face of the House and the country, and in the name of the army, he must appeal against this injustice.

Sir *John Anstruther* never heard a more ill-timed or ill considered speech than that just delivered by the gallant general. It was a most invidious comparison to hold out that the House was unjust to the army and navy, because it paid persons in inferior situations. What would be said to him, if, as a civil man, he acted similarly, if an addition was proposed to the pay of the army, and if he upheld the clerks to the officers of the army, who had much higher and nobler objects in view than mere pecuniary compensation? Good God! exclaimed the right hon. baronet, that a general officer should bring forward such a comparison, which was only worthy of some obscure alley in the city! The question was simply this, whether these persons were to be kept in that rank of life, which others in similar situations held? He could affirm, that the gentlemen belonging to the Board of Controul, were harder worked, and worse paid, than any other such men in the kingdom. The right hon. gent. had refrained from any mention of his own situation, which, however, was extremely arduous, and required a much higher recompence than was attached to it, to induce the person who filled it not to give it up, which would be attended with extreme inconvenience. Such was the case, and he retained the most decided opinion as to the expediency of the present Bill.

Mr. *Creevey* did not object to the increase of the salaries of the clerks; but he thought there were funds sufficient for that purpose without any additional vote.

Mr. *Wallace* maintained the expediency of granting to the full extent provided for in the Bill.

Mr. *P. Moore* said he should oppose the Bill.

The *Chancellor of the Exchequer* said, that all were agreed as to the propriety of remunerating the clerks, and those who knew most of the subject recommended an additional remuneration to the person at the head of the Board of Control; it was with this view, and not to serve any personal purpose, that his right hon. friend had proposed the Bill. The consideration of the Company's Charter would bring the subject under the notice of parliament again, and he was persuaded it would be then found that the great increase of business justified and required the addition.

The question was then put and carried; and the Bill went through a Committee.

IRISH TOBACCO DUTIES BILL.] The House went into a Committee on this Bill.

Mr. *Bankes* thought that the situation of Ireland was such, that instead of an additional duty on tobacco, a modification of the property tax would be more desirable. The finances of that kingdom were so low, that it was impossible she could support herself, and was becoming a burthen on this country, in consequence of the Union.

Mr. *M'Naughten* was concerned to hear the hon. gentleman charge the sister kingdom with being a burthen on England, and hoped, that whatever might be done to relieve her from her present situation, at least the property tax would not be resorted to; that was a tax which the people could ill bear; it was a tax they much dreaded. He lamented that other gentlemen had not considered the situation of Ireland as well as the hon. gentleman.

Mr. *Foster*, with considerable warmth and agitation of mind, noticed the observations of the hon. gentleman, and denied that Ireland was a burthen on England. If she was indebted to England for a temporary loan, she would, in honour, discharge it. Did she, he would ask the hon. gentleman, call for the Union? Was it not forced upon her? He had voted against the measure; but the kingdoms being now united, it was better to conciliate all differences. The hon. gentleman ought, in justice, to recant the expressions.

Mr. *Bankes* was not astonished that the hon. members had heard with surprise and indignation the situation of Ireland. It was true that she could not support herself; for was not she, at this moment, receiving pecuniary assistance, by way of loan, from this country? He did not mean to say that it was improper to extend that assistance. If the situation of Ireland had been examined into, this angry debate might have been avoided. He could not consent to recant what he had said. It was the effect of an anxious desire for the happiness of Ireland, and, therefore, he could brook the language of the honourable gentleman, who desired him not to interfere with that kingdom.—(Mr. M'Naughten here observed that he had not used that expression.)—He would appeal to them around him whether the honourable gentleman had not so said; but, however, he still thought the Property Tax would be the best mode of providing for the revenue, instead of the Tobacco Duty, as that would exonerate the poorer classes.

Mr. *M'Naughten* denied that he was angry with the hon. gentleman who had given an Irish recommendation with respect to the taxes, by stating that a modification of the Property Tax would be desirable for Ireland. There was no tax on Property in Ireland. Ireland, instead of being averse to, would be very much obliged by the hon. gentleman's interference in her affairs, because whatever affected her must equally affect England.

Mr. *Hutchinson* wished for more time, and condemned the duty as unproductive.

The Report was ordered to be received to morrow.

Irish Newspapers—Duties on Advertisements.] Sir *John Newport*, in pursuance of notice, entered into a statement of the nature of the Duty upon Advertisements in Ireland, and a comparison thereof with that of England. He complained of its being unjust and contrary to the articles of the Union with that country, which ordained that Ireland should not be taxed in any one instance more than England. It was injurious to the liberty of the Press, because only those papers in the interest of government were favoured with government advertisements, and it was not productive, as there had been only the sum of 2,500*l.* raised, although it had been stated at 30,000*l.* The proprietors of newspapers in Ireland were allowed only one and a half per cent. upon payment of duty, while those in England were allowed 17 per cent. which afforded another instance of its being contrary to the act of union between the two countries. He concluded with moving, "That leave be given to bring in a Bill to repeal so much of the Act of the 50th of the King as imposes an additional duty of two shillings for every ten lines which every advertisement, proclamation, order, or act of state, published in any Gazette, Newspaper, Journal, or Daily Accounts shall contain, over and above the first ten lines, and as imposes a duty of one halfpenny on every hand-bill in Ireland."

Mr. *Foster* said he was willing to place the Irish newspapers on the same footing as the English, if the right hon. baronet desired it; but he suspected, if so, that the right hon. baronet would not be a favourite with the Irish printers. He must say, that it was rather ridiculous in some gentlemen to talk of the duty on advertisements as being detrimental to the liberty of the press, when the two subjects were in no wise connected. The worthy baronet seemed to think that he had violated the act of union by laying on some duties in Ireland higher than in England. The worthy baronet when in office did the same thing. He may shake his head, but he did. "Yes, (said Mr. F.) you laid a tax upon jaunting cars. What's the reason you don't hold up your head and answer me? You laid a tax upon jaunting cars, and you laid a tax upon licences for public houses. I do not blame you, I did the same thing. (A laugh.) It is not fair, however, that you should accuse me of that as a fault, in the commission of which you must have thought yourself perfectly justifiable."

Mr. *Sheridan*. I really, Sir, cannot help remarking the surprising change of temper which has so suddenly manifested itself in the right hon. gentleman. A few minutes ago, when the hon. gentleman below me (Mr. Bankes) said that Ireland was a burden upon England, he was instantly all on fire; and well he might. If Ireland is a burden upon England, where are you to seek the reason? Where but in the oppression, the injustice, and the tyranny of this country, which has so long enthralled Ireland; which has debased her for three centuries. I do not wonder, however, at the sudden good humour of the right hon. gentleman. I hear a few of the worthy gentlemen opposite have been amusing themselves this evening elsewhere. (A laugh.) Really I am very far from blaming them; indeed I am one of the last in the House who would desire to interrupt their diversion. The right hon. gentleman has said, if the Union is to be violated, it is best to repeal it at once; now, all that the right hon. gentleman has done with respect to the press, is a violation of the act of union; a violation of that clause which says, that no taxes are to be raised in Ireland higher than in England. It will not be the least excuse for him to say, that my right hon. friend beside me did so too. Even if it was the fact, it would not excuse his following a bad example: but my worthy friend did no such thing. He taxed jaunting cars—there are no jaunting cars in England, so the case does not hold there. He taxed licences, but licences are not articles of taxation, but police regulations; so, there also he is in error. In fact, he has not made out a single case where my right hon. friend has violated the act of union. (Mr. Foster and Mr. Perceval here appeared to converse.) I should be obliged to the right honourable gentleman for his attention, though perhaps, it would be more politic in me to let him continue his hints to his right hon. friend; indeed, I shall lose but little by his instilling a few of the arguments to-night into the ear of the right hon. gentleman beside him. I turn, however, to the hon. gent. below (Mr. Bankes) who has had the hardihood to say, this night, that Ireland cannot support her own government. It is not so. She can support her fair proportion; but she cannot, nor ought she, to be required to advance an over-rated quota to the general defence of the empire. See what Ireland is doing for you—see her sacrificing her courage—her best blood in our defence; and can you in return basely reproach her with her poverty? You have no right to do so. If she is poor, she has become so in your support. Spare her, then, the mortification of hearing, that she owes that to your gratitude which she has a right to claim, not from your bounty but your justice. It has been said that the press cannot be hurt by raising the duty on advertisments. There are three ways of destroying the liberty of the press; one is by oppressive acts of parliament, another is by *Ex-officio* informations and the unconstitutional banishment of printers to distant gaols; and the third is by raising the price of cheap publications. This, and this is the way resorted to in Ireland, it is a mean, cowardly, and circuitous attempt. I have ever been a firm friend to the press, and while I live I shall continue so. I fear no corruption either in the state or in the government, while the press exists. Against venal lords, commons, or juries—against despotism of any kind, or in any shape—let me but array a free press, and the liberties of England will stand unshaken.

The *Chancellor of the Exchequer* justified the opinions of his right hon. friend with respect to the duty. The assimilation to the English duty would raise more money, and, as a matter of revenue, no doubt if the right hon. baronet was sincere, his right hon. friend would consent to repeal the present duty. He denied that it was a violation of the act of Union, as had been urged. Referring to what had been said by Mr. Bankes, he must declare that Ireland was no burden on England; so far from it, she was the great strength of the empire in assisting to combat the enemy, both by sea and land. The loan which had just been granted, was given for the advantage of the whole empire. To contribute to the wants of such a friend was serving this country. To say, that such a sum as four millions and a half taken from the Exchequer in aid of Ireland was entailing a burthen on England, or was detracting from that dignity and station in the empire which Ireland ought and did possess, was holding language which should not be held out. The loan was not an act of generosity and relief, but an act of liberality and justice, as well to England as to Ireland, for she was the main limb of the empire. The right hon. gentleman had talked of the liberty of the press, of informations filed by the Attorney General, of sending persons to distant prisons, of the unconstitutional caprice of the judges, &c.; but the right hon. gentleman should weigh well the use of words before he uttered them.

He could not justly charge the judges with being actuated by caprice in passing the sentence of the law upon offenders. There never was a time when the administration of justice was so pure—when the judges were so uncorrupt. If the right hon. gentleman would reconsider his words, he would find that he had been too hasty, and that there was no foundation for any one of his charges.

Mr. *Sheridan* in explanation said, that when punishment arose from caprice, the law could not justify it, and therefore he should take this opportunity of giving notice, that he would next session move for the repeal of that law which related to *Ex-officio* Informations.

Mr. *Ponsonby* supported the motion. He thought the hon. gent. who had observed that Ireland was a burden to this country, rather deserved the thanks than the reprobation of the gentlemen of that country, as he had shewn the necessity of some remedy being adopted for the evil. It must be acknowledged that that country was in difficulty, which could not pay the interest of its own debt, but must accept 4½ millions for its service. In this instance, however, the right hon. gent. was imposing an unjust tax, as it was contrary to the spirit of the union; and although it might not tend to destroy the liberty of the press, yet it enabled government to shew an unjust partiality, and to create dissatisfaction in that country, which they ought to use every exertion to conciliate.

Mr. *Parnell* said that he could not admit the construction of the act of union that had been given by the Chancellor of the Exchequer. If those parts of the 7th article which pointed out the application of the revenues of Ireland, and the manner in which the proportions of contribution were to be provided were taken together, it appeared to him that no article could be taxed higher in Ireland than it was in England. Taxation for the purpose of providing for the proportion of contribution being necessarily by that article a proceeding following taxation for providing for the interest of the debt, which formed a separate charge, the true purport of the clause directing, that no article should be taxed higher in Ireland than in England for the purpose of providing the proportion, was to prevent any article from being so taxed for any purpose whatever. Whatever the tax on any article might be for the purpose of defraying the separate charge, no such addition could be made to it for defraying the joint charge as would make it altogether higher than it was in England. It was however no wonder that difficulties should arise in ascertaining the precise meaning of this article. It had now been the subject of discussion for some weeks before the Irish Finance Committee, and as yet the only opinion the Committee had been able to form of it was, that it was almost wholly unintelligible. But in regard to the question of issue, a noble member of that Committee, the framer of the article, had so lately as yesterday declared that Ireland was secured by it from the imposition of a higher duty on any article than that article was liable to in England. In respect to the duty on advertisements, he must contend that it was grievous to the editors of the public papers, and had a tendency to destroy the liberty of the press. He could consider it in no other light than that of an attack upon those editors who were the advocates of the people, and the opponents of the abuses of government. As to revenue, it was idle to look upon it as ever having been intended to be productive. It was a measure of the same class as many others of the Irish government to endeavour to stifle the freedom of public discussion. This he firmly believed to be the case when he considered the use which was made of the annual grant of 10,000*l.* nominally given for printing proclamations; and also the manner in which the express establishment between London and Dublin was converted into a source of profit to some editors, and of injury to others. The argument that the Irish press could bear equal burdens with the English was one at variance with every principle of taxation. In this country the public press had been long established, and it was supported by the immense wealth of the nation. In Ireland it was but just beginning to take the form of an established business, and had to depend on the support of a people only beginning to emerge from poverty. But in his opinion there was a still stronger reason why the press of Ireland should be protected instead of oppressed, and that was, her having lost her local legislature by the union. The public press had become the substitute of that legislature. Without it, the grievance of the people and the abuses of government could not be known; it was impossible that rights could be protected or wrongs redressed without the aid of this establishment; he should therefore, on this and on all occasions, resist to the utmost of his power every restriction that was endeavoured to be imposed upon it.

Colonel *Barry* said he should vote against the motion.

Mr. *Shaw* having already troubled the House on this subject, begged to assure them that at this late hour he would not trespass on their patience more than to answer one or two observations that fell from the right hon. gent. opposite. He was sorry the right hon. gent. (Mr. Foster) had so short a memory; for he appealed to every gentleman who was present at the opening of the Irish Budget last year, whether the right hon. gentleman did not distinctly say, that as the price of the Irish newspapers was just two thirds of the English, therefore no objection could be made to raising the tax on advertisements to the same ratio, that is, to two thirds the English tax. Was this the case or not? It had been said that if the tax was repealed another must be substituted in its place. This was a very erroneous apprehension, because, as it was stated in the petition which he had the honour to present from the proprietors of Irish newspapers, the tax was as unproductive as it was oppressive. Therefore, placing it upon its former footing would occasion no defalcation of revenue. It had been most whimsically remarked by the right hon. gentleman, that the tax being unproductive was occasioned by the obstinacy of the proprietors of the newspapers who set themselves against it. But could it be for a moment supposed that they would be such enemies to their own interests as to refuse the insertion of advertisements, upon which their profits almost entirely depended?—Mr. Shaw made use of several other arguments to demonstrate the injustice and the impolicy of the tax, and contended, that it ought not, at all events, in any case to exceed two-thirds of the duty paid in England.

After a few words from sir John Newport, in reply, the House divided, when there appeared

Against the motion..............51
For it..............................21
Majority ....—30

HOUSE OF COMMONS.

Saturday, May 25.

MR. PALMER'S CLAIMS—THE PRINCE REGENT'S ANSWER TO THE ADDRESS.] Mr. *Whitbread* said, he came down to the House to day, for the purpose of renewing a notice which he had given last night on the subject of the Message received from his royal highness the Prince Regent, in answer to the Address of the House, relative to Mr. Palmer's claims. The answer which his royal highness had been advised by ministers to give to that Address, conveyed the grossest possible insult on that House, going, as it did, to express a doubt of the inclination, or of the ability of the House to make good any sums which his royal highness might order to be issued in consequence of an Address of that House. He had given his notice on this subject, in consequence of having seen a printed paper, purporting to give an account of the proceedings in another place, in which it was stated, that his Majesty's ministers had advised the Prince Regent not to accede to the recommendation of the House. Nothing but imperious duty could have induced him to postpone such a motion beyond the earliest possible moment at which it could be brought forward; but he was under an absolute necessity of going to the country, and could not be in the House sooner than Thursday; he therefore now gave notice, that if no other member chose to bring the matter under the consideration of the House before that day, he should then submit a motion on the subject, although he should thereby be obliged to postpone another matter of importance which stood for that day, it being his intention that the present subject should take the precedence. He now moved, That the Answer of his royal highness the Prince Regent to the Address of that House be read.

The *Chancellor of the Exchequer* said, he had no objection to accede to the present motion, nor to the bringing forward of that of which the hon. gent. had given notice, but he would say now, as he would maintain, when the subject was properly before the House, that there was no insult contained in the Answer, nor any thing unbecoming the high personage from whom it came, or the ministers who advised it. He should do no more at present than shew his readiness to take up the challenge of the hon. gent. And he was convinced, that when the discussion should take place, the House would be satisfied that the censure of the hon. gent. upon the proceeding was unfounded and misapplied.

Mr. *C. W. Wynn* said, that if there was any instance on the Journals of a similar answer to an Address of that House, the minister who advised it might perhaps be justified, but he defied them to produce any such instance. In the present instance the privileges of the House were attacked. He would contend it was the case; for the power of the House to make good its engagement, was either doubted or resisted by the minister. He was sorry that his honourable friend had named so distant a day; because the duty of a member of parliament was paramount to all others; and in cases such as the present, he thought it would become them to imitate the conduct of their ancestors, by postponing every other business or consideration to a question of privilege. He was more surprised at this proceeding than at any which had taken place since he had a seat in parliament. As to the measure against which it was directed, it was one, however objectionable in principle, sanctioned by the practice of the House upon other occasions. In the case of Mr. Webber, the House injudiciously, he thought, had exercised the privilege of Address; and though his opinion was not altered with regard to the case of Mr. Palmer, or the general inexpediency of adopting the principle of Address upon such occasion, yet, when it was done, it must be carried into effect, and was entitled to all the weight and authority that parliament could give to its proceedings. The House of Commons might as well be required to wait the opinion of the Lords upon every public monument, yet monuments were voted without that sanction. The debts of Mr. Pitt were paid without any such postponement; and the salaries of the Judges were increased without waiting for the opinion of the Lords. For these reasons, he was anxious that the question should be brought forward, as its importance entitled it to an early and full discussion.

The *Chancellor of the Exchequer* said, that through the whole of his observations, the hon. gent. was pleased to run away with the assumption that he intended to question the privileges of that House. Nothing could be more unjust than such an assumption. On the contrary, he should contend, that the Address alluded to contained nothing which could, in the remotest degree, affect those privileges, or question the authority of parliament.

Mr. *Whitbread* said he could not attend on Monday, as he had already declared; but it was competent to any other gentleman to bring it forward at a more early period. All he should say at present, was, that the advice of the minister to the Prince Regent, could only be interpreted in this way; that where the House said, I will give the money, the minister said, you shall not.

The Answer of the Prince Regent was then read by the clerk.

FLOGGING IN THE LOCAL MILITIA—TAYLOR'S COURT MARTIAL.] Sir *Francis Burdett* rose to call the attention of the House to the subject of Military Flogging. It was a subject which had long and deeply occupied his mind, and he would have brought forward some motion on the subject before, but he had been advised to defer it, as the general feeling of the government appeared to be adverse to this odious, disgraceful and abominable practice, and the clause which had been introduced this session into the Mutiny act, shewed, at least, a disposition to counteract the evil; and he had been willing to receive it as an earnest of some better plan of military discipline than that which now existed. However, he had received information of the continuance of this practice, and in a service where such an ignominious and cruel punishment could least be justified—in the case of a person compelled to serve in the Local Militia, which obliged him, however reluctantly, to bring before the House some motion, which might lead to a more certain remedy for so great an evil. The circumstances with which he had been made acquainted, by letter, were these: The Liverpool regiment of Local Militia, commanded by colonel Earle, had been marched from that city to Ormskirk, on the 22d of April, and the quality of the bread was a subject of complaint among the men, many of whom had been used to a comfortable mode of living. However, the quality of the next rations of bread was not better, and after some representations on the subject, and the examination of the bread by the colonel, who declared it to be good, the major part of the men consented to take it, but nineteen of them refused, who were confined on the 27th of April. One of them, Thomas Taylor, composed a song, which contained allusions to the bad quality of the bread, (here the hon. baronet read a part of the song) some copies of which were printed, and the colonel obtained a copy, and then sent to stop the press. No further notice was taken of it until the 2d of May, when the adjutant confined Taylor, who was tried immediately after in the course of the day, and allowed but one hour to prepare his defence, in which three witnesses bore testimony to his good character. He was sentenced to receive 200 lashes, and was marched to the regiment at 2 o'clock the same day, when he received 50 lashes, the rest being remitted. He was refused a copy of the Minutes of the Court Martial, and among other reasons alledged for his punishment, his politics were one. He was a very respectable man, held the situation of clerk, was married, and his wife, when he received the first lash, fainted away, and had since been very ill, and the privates and drummers of the regiment had been much affected at the infliction of the punishment. The hon. baronet said, that he considered this case of the highest importance, both as it affected the individual and the character of the country, which was disgraced by the continuance of such a practice, and he had the authority of persons who stood high in the service for saying, that flogging was as unnecessary as it was cruel, and not at all requisite for the maintenance of discipline in the regular service, when its only effect was to produce a loss of character, to which loss of life was infinitely preferable. But when this punishment was extended to the respectable father of a family, dragged into the service, it was truly dreadful. After some further remarks on the nature of military punishment, the hon. baronet concluded by moving, "That the Minutes of the Court Martial held on Thomas Taylor, private in the 8th company of the Liverpool Local Militia, be laid before this House."

The *Chancellor of the Exchequer* expressed a wish that the hon. baronet would defer his motion until some inquiry could be made into the propriety of complying with it, as he believed it was contrary to the general principle, and was desirous that some general officers might be consulted upon it. As next week was full, and Monday and Tuesday in the following week were holidays, perhaps the hon. baronet would consent to defer his motion till Wednesday se'nnight.

General *Tarleton* thought that it would be better to delay it, till a letter could be received from the district.

Mr. *Whitbread* agreed in this suggestion, and said, he should be sorry to be absent at the discussion, as he had been one of those who hoped the new clause in the Mutiny act would have prevented the continuance of the practice of flogging, which he believed to be wholly unnecessary in the English army. As Wednesday se'nnight would be the 5th of June, perhaps the following day would be more convenient.

Sir *F. Burdett* signified his concurrence in the proposed adjournment of the question.

The further debate on the subject was then adjourned till Thursday the 6th of June.

HOUSE OF LORDS.

Monday, May 27.

Petition of the Roman Catholics of Ireland.] The Marquis of *Downshire*, in presenting the petition of the Roman Catholics in Ireland, spoke to the following effect: My Lords; It is with peculiar satisfaction that I rise this night, to occupy a few moments of your attention—moments which I shall devote, however, to the consideration of the most important subject that can meet your lordships' mind. It is in consequence of the indisposition of an excellent peer (lord Donoughmore) a man whose name will be ever held sacred by his country, from the zeal and proper enthusiasm he has displayed in the cause of his Catholic countrymen. It is, my Lords, in consequence of his indisposition that this honour has fallen upon me. May his health soon be re-established, that so the Catholics of Ireland may again possess an abler asserter of their rights than myself; but they cannot possess a more sincere one. No, my Lords, I feel for them in my heart. I know them well. Not merely from what I have heard, but from what I have seen and witnessed. They are a most respectable body of men, and in this long list of petitioners, my Lords, there are many reputable, not only from the characters and good conduct, but from the situation they hold in society. Many of them I know, most of them I have some knowledge of—and all of them, I can assure you, my Lords, are worthy of a participation in those blessed rights and privileges which you possess. They are born Britons, my Lords: they have lived Britons: they think, and act, and feel like Britons; and for God's sake treat them as

Britons. By listening to this their Petition, my Lords, you secure to yourselves the boundless advantages of so large a portion of your population; and although they have hitherto been injured, sadly injured; in being debarred from their natural rights, yet so genial is generosity to their nature, that you will now—even now—by attending to their Petition, gain their endless gratitude. I therefore, my Lords, in the name of the Roman Catholics of Ireland, present to you this Petition, and propose that it be taken into the consideration of this House on Friday the 7th of June.

The Petition was read, ordered to lie on the table, and to be taken into consideration on Friday the 7th of June, for which day the Lords were ordered to be summoned.

INSOLVENT DEBTORS' BILL.] The report of the Insolvent Debtors' Bill was presented and

Lord *Redesdale* proposed a new clause, which was agreed to, for the purposes of rendering the benefices of clergymen liable to sequestration under the Act the same as in other cases. His lordship then moved that the Bill be engrossed.

Earl *Stanhope* wished the Bill to be recommitted, in order to give an opportunity of rectifying the numerous errors which he contended were still in the Bill.

The *Lord Chancellor* would not object to the engrossment, but he should feel himself compelled to say not-content to the third reading. If, however, in consequence of the failure of this measure, a common Insolvent Bill was brought in, he would not object to it.

Lord *Redesdale* greatly regretted the opposition which his Bill had met with, and observed that a perfect measure could not be expected; all they could do was to take experience as far as possible for their guide, and make further enactments as they were found expedient. An idea had gone abroad that this was his final Bill upon this subject, but the fact was, that he had another Bill in contemplation for the purpose of compelling the debtor to surrender his property to his creditors; and also a Bill which he was disappointed in its not being proposed in the other House this session, for the purpose of the more effectual recovery, at a small expence, of debts under 20*l.*

The Earl of *Moira* had objections to some of the provisions of this Bill, but was fully aware that it was impossible to frame a perfect measure upon this subject, and was therefore prepared to support the present Bill in furtherance of the principle which he so anxiously wished to establish.

The Bill was ordered to be engrossed.

HOUSE OF COMMONS.

Monday, May 27.

EAST INDIA BOARD OFFICERS SALARIES BILL.] The Report of this Bill was brought up.

Mr. *Creevey* said, he rose to object to this Bill, in its present state, to that part of it at least that related to the increase of salary to the President of the Board of Controul. By the act of 1793, that act under which the East India Company now hold their charter, 16,000*l.* per annum was set apart out of the East India Company's funds as a provision for the Board of Controul; of this sum, 5,000*l.* was to be distributed at the pleasure of the crown between the President of the Board and two commissioners, and the remaining 11,000*l.* was to be applied in payment of Secretaries and clerks. The present Bill, said the hon. gent. is amongst other things to increase this sum of 16,000*l.* to 22,000*l.* for the purpose, as is said, of increasing the salary as well of the President as of the inferior clerks. The distribution of the 5,000*l.* under the act of 1793, has hitherto always been 2,000*l.* per annum to the President, and 1,500*l.* per annum to each of the Commissioners. The present President of the Board of Controul says this sum of 2,000*l.* is too little for him, and he wants more. My answer to him always has been, and now is—I admit you are ill paid, compared with the two commissioners, because the whole business is done by you, and they do nothing; their places are perfect sinecures—there never has been such a thing as a Board held since the first institution in 1784, and therefore let the crown, in the just exercise of its discretion, give you a greater proportion of the 5,000*l.* than it hitherto has done, and the commissioners less; the fund is perfectly adequate, considering always that the commissioners do nothing. The history of this Board of Controul is really curious enough. When Mr. Pitt first introduced it to public notice in 1784, he bestowed upon it this flattering description: he said—" It was intended that the Board should consist of none but privy counsellors; but the Board should create no increase of officers, nor impose any new burdens, since he trusted there could be found persons enough who held offices of large emolument but no great employment, whose leisure would amply allow of their undertaking the duty in question." This romantic system of the gratuitous government of India by the sinecure men, lasted till 1793, when lord Melville not only made a provision for himself as president of the Board of Controul, but to make up for lost time and past errors, he created those two new parliamentary sinecures, called the Junior Commissioners for managing the affairs of India. The present Bill is a still further improvement of the present president of the Board of Controul upon the act of his noble relation. He wants his own salary raised, but he will not let us touch his sinecure commissioners. One should have supposed he would have been the last man in the country to quarrel with the existing act, considering it was made by his father, and particularly as he himself had given notice of the termination of it, and of an early discussion of the whole subject. As however the right hon. gent. is evidently above such trifling considerations as those, he puts us upon investigating his own claims to further remuneration; he is the first public claimant for an increase of salary in this office, and if I compare him with a noble lord (Castlereagh) who held this office before him, and who made no such claim, there can be no comparison of what might have been the justice of the claims of lord Castlereagh compared with the right hon. gent. The noble lord held this office longer than the right hon. gent. has done. He had filled a great situation in the state for some time before; the right hon. gent. has made his first appearance as an officer of the state in his present situation. The noble lord, as the Indian minister, used to lay his views annually before this House in what is called an Indian Budget, an operation of at least great labour if not of great public benefit, whereas the right hon. gent. has very happily relieved himself from this part of his official duty, by never saying a single word upon the subject; and then to conclude the comparison, the noble lord held no other office that I know of, whereas the right hon. gent. has the consolation of enjoying a sinecure place in Scotland of 2,000*l.* per annum and upwards. Considering therefore, all the circumstances of the case, I think the right hon. gent. fails in making out any urgent claim upon our justice. How, then, does he stand as to any appeal to our compassion? Why, really, considering that he now has his pay as president 2,000*l.* per annum, and his sinecure in Scotland of 2,000*l.* more, considering that lord Melville has one pension from the East India Company of 2,000*l.* per annum, another from the crown of 1,500*l.* per annum, that he has in addition to these pensions a sinecure of 3,500*l.* per annum, making between the father and son 11,000*l.* per annum; considering all this, and above all considering that the family first embarked in public life in the gratuitous line, they may at least be said not to have done much, and that no case of real distress is at all made out by the right hon. president. —The hon. gent. said, perhaps he entertained more jealousy of the right hon. president on these subjects than others did, and it was owing to his having had occasion before now to look after him; some time since he found that the right hon. president had got very comfortably settled in an excellent house, for which 9 or 10,000*l.* of the public money had been given, that he was living in it, rent-free, and that he was pleased very humourously to call it, the official residence of the president of the Board of Controul; upon further inquiry he found that this house had long been a great favourite in the right hon. gentleman's family, that lord Melville had himself selected it as a handsome piece of attention to be paid him by the India Company in the shape of a conveyance of fee in return for his gratuitous government of India; and this plan was only defeated by some mischievous persons in the court of proprietors. The right hon gent. when he succeeded to the office, held formerly by his noble relation, succeeded likewise to the passion entertained by him for this house; and, as he said before had actually shewn address enough to get possession of it at one time. Now the only use he meant to make of this fact was this, namely, to impress upon the House, that when they have any thing to do with the right hon. gent. as a claimant for remuuneration of his own services, though he has had barely the experience of four years' official labours, yet in the appreciation of an adequate reward for them, he would be found to be a very considerable artist. Under all the circumstances of the case, he hoped the right hon. gent. would excuse him for now attempting to separate him from the society of the clerks in this Bill, by moving to expunge all that related to his own increase of pay, and next year he might appear again with at least as much dignity, and with more propriety on the part of the House, when the institution of the Board of Controul itself and all relating to it were to come under public consideration.

Lord *Castlereagh*, as he had been alluded to by the hon. gent. thought it proper to state, that before leaving office he had recommended that the salaries of the president and other officers of the Board of Controul should be put on a more respectable footing, as that he considered the public service materially interested in this augmentation of salary.

Mr. *R. Dundas* said, he did not conceive himself at present called on to enter into any of the personal allusions of the hon. gent. He, for himself, should never have thought of bringing forward the present Bill, had his own interest alone been concerned, but he was called upon to do so for the sake of others, whose interests were also concerned in it, at the suggestions of those who were interested in the permanent respectability of that department of the public service.

Mr. *Calcraft* did not very well understand what the right hon. gent. meant by being compelled by others to bring forward a Bill for his own benefit. He, for one, was persuaded that all the great offices under government should be provided with ample salaries, and he was sensible that many of the salaries were by no means adequate; and had this very office of President of the Board of Controul been in the hands of any other person than the right hon. gent., he should have willingly consented to have the salary increased; but when he considered that this increase was called for at a period of peculiar national distress, and that the right hon. gent. enjoyed already a sinecure office to a considerable amount, and when he considered what, in his mind, was conclusive with respect to the present period, that claims of the greatest importance had been postponed, the claims of the officers of the army and navy, of those men who were employed in the most efficient service of the state, who had the most undeniable right of preference, he could not consent to the present augmentation. He thought it was by no means judicious to agree to the augmentation, without previously going into a more extensive inquiry; for he was not only satisfied that the salaries of the Board of Controul were great, but were equal to those of the other government offices. The Treasury, for instance, which was the most laborious office under government, except the Admiralty, had not salaries equal to the Board of Controul.

Mr. *W. Adam* observed, the question whether the East India company's charter ought to be renewed, and whether the salaries of the officers of the Board of Controul were to be adequate, was perfectly distinct; and he could see no reason if these salaries were at present inadequate, why they should not be augmented. The office of the President of the Board of Controul should be made substantive, and equal in point of salary to the other great offices under government. With respect to the sinecure office which it had been said the right hon. gent. enjoyed under government, it was not properly a public sinecure, but was paid from the fees of suitors in a court of law; and it consisted with his knowledge, that it had been pledged by the right hon. gent., for the sake of defraying his father's expences at Westminster Hall.

Lord *Folkestone* observed that the right hon. gent. (Mr. Dundas) seemed to rise up in great wrath that he had been personally alluded to. The truth was, that the present was intrinsically a personal question, and if the right hon. gent. chose to bring forward claims for remuneration of its services, it was necessary to enter into the consideration of the merits on which those claims were founded. He thought the learned gent. who spoke last had shewn a great indiscretion in alluding to the pledging of the sinecure office.

Mr. *P. Moore* objected to the principle of the Bill altogether.

The *Chancellor of the Exchequer* conceived that no real ground of objection had been stated to the increase. As the recommendation came from successive presidents of the Board, and consequently did not originate with his right hon. friend, nothing had been said to prove that it would be improper to grant the increase now.

General *Tarleton* expressed his determination to vote against any increase of salary, as the claims of the officers of the army and navy were infinitely greater than the claims of civil officers. He was aware of the embarrassed situation of the country; but when ministers talked of the flourishing state of the finances, it was his duty to mention the claims of the profession to which he belonged. A right hon.

bart. (sir J. Anstruther) had stated that they had greater incitements than the hope of pecuniary rewards.—" They, to be sure, " said the honourable general, " seek the bubble reputation in the cannon's mouth; " but would it procure them wine and bread?" The right hon. bart. might talk of incitements—some incitements were laudable; lawyers would sometimes leave Westminster Hall to seek the clime of India; to toil in their avocations, under a silk palanquin, or scale the back of an elephant. They met with reward, and returned to this country enriched with the spoils of the East; but did the hon. gent. ever hear of any member of the military profession returning from the continent after the spoils of war, and the repose enjoyed on the ground under a wet blanket, enriched in purse, or with any other reward, than what he acquired by his valour? The hon. general stated his determined resolution to oppose all increase of salaries to public officers, until the claims of the army and navy, professions so immediately necessary to the salvation of the country, were attended to.

The House then divided.

For agreeing to the report.........65
For the amendment.................19
Majority........................—46

BRITISH AND IRISH MILITIAS INTERCHANGE BILL.] Mr. Secretary Ryder moved the order of the day for the House going into a Committee on the Militia Interchange Bill.—On the question that the Speaker do leave the chair,

Colonel *Stanley* wished, in consequence of a meeting of colonels of Militia, and lord lieutenants of counties, held this day, and their having appointed a Committee to wait on the Chancellor of the Exchequer to-morrow, that some delay might be granted, to afford them an opportunity of urging their objections to the Bill.

Mr. *Tighe* stated of his own knowledge, that objections were entertained in Ireland against this Bill. The Irish militia were not precisely on the same footing with the English militia, that is, they were not the same kind of constitutional military force; besides, if the Irish were to be compelled to come over and bear arms in this country, they had a right to require that they should be allowed the free and undisturbed exercise of their religion. In requiring this, the Irish only asked of England to give them the same privileges she gave to the German troops now in this country. He thought some delay absolutely necessary, to communicate with their constituents on this subject. He should therefore move as an amendment, that this Committee be postponed to Friday, the 7th of June.

Sir *J. Newport* followed on the same side, and stated that, according to notice, a Catholic meeting was to-morrow to be held in Dublin, to consider of the propriety of petitioning on the subject of allowing the Catholics the free exercise of their religion. If this measure, as was said, was intended to promote union, let it not be made the subject of controversy. By the 1st of Geo. 1, chap. 13, it was rendered penal to carry arms without taking the oath of supremacy, and he could not see reason why a doubt on this subject should be suffered to remain on the mind of any one, when a single explicit clause in this Bill would do it away.

Mr. *Grattan* was of the same opinion, and read part of a letter from the titular archbishop of Tuam to the effect, that the Irish Catholics would oppose the measure, unless the free exercise of their religion was secured to them by law. This should, he said, be a matter of right, and not dependent on the will of any officer. The introduction of a clause to that effect, would promote recruiting in Ireland, and was beside the least objectionable, and most statesman-like mode of acting. It would also prevent the meetings projected in various parts, and he should, therefore, prefer having such a clause moved on the Report, though, in the mean time, he should vote for the delay.

The *Chancellor of the Exchequer* could see no cause for delay, as the House were already perfectly in possession of the object of any petitions that might be presented, and might as well consider that point now as hereafter. The free exercise of their religion was the object the Catholics had in view, and it appeared at once, that they must enjoy that under the present Bill, or it would be one law compelling to the breach of another. All that could be wished was the same freedom to attend to public worship in England, as they enjoyed in Ireland, and it was clear that they would have all they requested by this law, which virtually repealed all former acts on the same subject. But if any doubt remained, it would at once be removed by looking at the clause, which ordained that the militias of England, Scotland, and Ireland should enjoy all the same privileges and exemptions on their removal, to which they were entitled in their own countries respectively. With respect to attendance on divine worship, the same order from the Commander in Chief would be issued here, as that on which they were contented to rest in Ireland. He concluded by objecting to delay as unnecessary, as any future consideration might have its full weight in other stages, or on a re-committal of the Bill, if that was requisite.

Mr. *Hutchinson* said, that the good sense in which the right hon. gent. seemed not to be wanting in his treatment of other questions, appeared to fail him altogether upon every subject relative to Ireland. If the present question had not been connected with Ireland, how could the right hon. gent. have observed as he had done upon what had fallen from his right hon. friend. His right hon. friend has said, that there would be no need of delay, if a certain objection was removed. That objection the right hon. gent. refused to remove; and yet he contended that his right hon. friend was bound by his own argument to admit the delay to be unnecessary. The avowed object of the Bill was to promote more effectually the union and harmony of the two countries. Did it tend to that object to compel the Roman Catholic to come to this country with a doubt, if not a penal restraint upon his religious rights? But it was said, that he would be put in the same situation in this country he was in his own, and that therefore he must be satisfied; but was he satisfied? was the Irish Catholic content under his present restrictions? Admitting, however, that the present Bill put him in the same state in this country as he had been in his own, but that he did not think it did so, was it too great a sacrifice to the religious feeling of the country to make a distinct clause, which would remove every doubt on the subject? If the right hon. gent., who had been himself so long an eminent lawyer, was sincere upon this subject, he was sure that he must wish to put it in as unquestionable a shape as possible. He would be above contending with what he might call the ignorance or prejudices of the Catholic upon this subject.

General *Tarleton* characterised the measure as fraught with the greatest political and military advantages to the empire.

Sir *W. W. Wynn* did not think the measure particularly expedient, and deprecated any hurry in carrying it through parliament.

Mr. Secretary *Ryder* adverted to the Irish volunteering Bill of 1804, at which period Mr. Fox, having suggested the introduction into that Bill of a clause exactly similar to that recommended by the hon. gentlemen opposite, and having been told that by the clear construction of the law the Irish Catholic soldier would, on coming to this country, be maintained in the enjoyment of his own religion, acquiesced in the reply. He had authority from his royal highness the Duke of York, to state, that on the passing of the Bill, an order should be issued similar to that issued by the Commander in Chief in Ireland. If any doubt yet remained on the minds of the House upon the subject, he was persuaded that it must be removed on hearing the opinions of the law officers of the crown. He here read the opinions of the Attorney and Solicitor General, in which it was stated that by the provisions of the Bill, the Irish Catholic militiaman, on his transfer to this country, would be entitled to all the privileges with respect to religion, which he had heretofore enjoyed in Ireland, notwithstanding any act to the contrary which might now be in force in Great Britain.

Mr. *W. Elliot* wished for an additional clause on the subject, or at least that the Regent should be advised to make a new article of war upon it.

Mr. *Ponsonby* doubted whether Mr. Fox, having the subject completely before him, had ever withdrawn such a clause as that now proposed: if he had, he would doubt the accuracy even of Mr. Fox's judgment. He rose, not so much to speak to the question, as to notice, that an hon. friend of his would submit a motion on this point on the report, when they would have an opportunity of discussing it.

Mr. *Herbert* said he would vote for any clause that would render the Catholic rights clear and explicit, but in the mean time, would not suffer that to induce him to vote against so excellent a measure.

The Amendment was negatived without a division, and the House resolved itself into the Committee.

Mr. Secretary *Ryder* then observed, that to obviate any misapprehension of the subject, he was willing to move the insertion of words stating, that the Irish Catholic militiaman, when transferred to England, should be entitled to the same civil, military, and religious exemptions, as were enjoyed by him in Ireland.

The several clauses of the Bill passed through the Committee after a short discussion; and the House having been resumed, the Report was ordered to be received on Thursday,

Increase of Allowance to the Lord Lieutenant of Ireland.] On a motion for going into a Committee to consider of granting an increase of allowance to the Lord Lieutenant of Ireland.

Sir *J. Newport* wished to know if any notice had been given on the subject. A something had been done last session at a very late period, and it was then understood that early this session certain documents were to be laid before the House, to prove the proposed increase of allowance necessary. This he thought ought to be done, and it was proper that some notice should be given to allow time for the due consideration of the subject.

The *Chancellor of the Exchequer* said he had certainly given notice of the motion on Saturday; but if the right hon. baronet wished it postponed till to-morrow; or any day at but a short distance of time, he had no objection to the postponement of the subject. It was, however, to be remembered that the motion was merely one to carry into effect the Resolution of last session.

Sir *J. Newport* replied, that if it was only intended to bring in a Bill in the regular way, on the subject, there would be sufficient opportunities for him to express his sentiments hereafter. He did not, under all the circumstances, wish to cause any delay, but he was not aware that the House had the regular notice, Saturday not being a day on which notices were commonly given.

The *Chancellor of the Exchequer* repeated, that he had given notice on Saturday.—The House then resolved itself into the Committee, in which the right hon. gentleman moved, That an addition of 10,000*l.* per annum should be made to the income of the Lord Lieutenant of Ireland, to be paid out of the consolidated fund.

Sir *J. Newport* thought that this ought to be done out of the surplus of the Civil List, which was at present paid to his Majesty.

Mr. *W. Pole* explained that the proposed regulation first took in the surplus of the Civil List, and the deficiency only was to be supplied from the consolidated fund.

Mr. *Tighe* objected to any augmentation whatever to the Lord Lieutenant. He was already relieved from great part of the expence attending his state and dignity, by the removal of the Houses of Parliament.

Mr. *W. Pole* said, that without an increase above the present allowance, the expence must prove ruinous to any private fortune whatever.

The Resolution was then agreed to.

HOUSE OF LORDS.

Thursday, May 30.

Appeals in the House of Lords.] The Earl of *Lauderdale,* after observing that the information before the Committee on this subject only extended to the comparative increase of business in the Court of Chancery between the periods of ten years up to 1755, and ten years from 1800, moved for an account of the business before that court from 1755 to 1800, and the number of Decrees from 1755 to 1810.

The Earl of *Liverpool* had no objection to the motion, but could not consent to delay, till the information was produced, the measure in contemplation for the more speedy hearing of Appeals in that House, which he thought it was of great importance should be passed before the session closed, in order that they might begin in the next session on the new arrangement.—The motion was agreed to. The order of the day was read for taking into consideration the Report of the Committee relative to the state of the Appeals in the House of Lords. The Report was read by the clerk at the table as follows:—"Resolved, That it is the opinion of this Committee, that it is indispensably necessary, and that it so appears to be from the great number of Appeals and Writs of Error now depending in the House, amounting together to 338, of which 296 are Appeals, and 42 Writs of Error, that a greater proportion of the time of the House of Lords should be employed in hearing Appeals, than has been hitherto allotted to this part of the business of the House; and that it will be expedient, therefore, that the House should determine to sit for this purpose at least three days in every week during the session, meeting at ten o'clock at latest on each day till the present arrear of causes shall have been considerably reduced, and subsequently two days in the week at least, meeting at the same hour. That as the above regulation will unavoidably take up a large portion of the time of the Lord Chancellor, which would have been employed in other judicial duties, as appears from the statement contained in the Appendix, of the periods during which the Lord Chancellor usually sits in the Court of Chancery, it is absolutely necessary that some relief should be afforded to him in the discharge of such other judicial duties.

"Resolved, That it is the opinion of this Committee, not only that the judicial business of the House of Lords hath so increased as to require, and to be likely to continue to require, a greater portion of the Lord Chancellor's time than was heretofore necessary for the execution thereof, and therefore to disable him from giving sufficient attendance in the Court of Chancery, but that it also appears from the statements in the Appendixes of the comparative quantity of business in the Court at different periods, its judicial establishments having continued the same, that there is a considerable increase thereof, taking together the whole of the different kinds of business transacted in the Court; and that it is therefore expedient, in order to secure at the same time a sufficient attendance upon the House of Lords by the Lord Chancellor, and sufficient means for carrying on the business in the Court of Chancery, that an additional Judge in the Court of Chancery should be appointed.

"Resolved, That it appears to this Committee to be expedient that such Judge should hold his office during good behaviour, and that he should be of a rank correspondent with that of the Master of the Rolls.

"Resolved, That it is the opinion of this Committee, that it is expedient to revive the practice which formerly prevailed in the House of Lords of limiting the period in each session, after which Appeals shall not be received in that session.

"Resolved, That it is the opinion of this Committee, that it is expedient to order all the parties in the Appeals and Writs of Error, which may be depending at the close of the present session in the House of Lords, to lay the prints of their cases upon the table of the House, before the end of the first week in the next session of parliament, in order that the House may be enabled to form some judgment of the nature of the cases which have been brought before them; and that it should be an order of the House that the prints in all cases of Appeals and Writs of Error should be hereafter laid upon the table of the House, within a time to be limited after such Appeals and Writs of Error have been presented."

The Earl of *Liverpool*, after an able and perspicuous commentary on the necessity of adopting measures for the more expeditious transaction of the judicial business of the House, and the beneficial tendency of adopting the Resolutions, recommended by the Committee, moved their lordships to agree to the first Resolution.

Earl *Stanhope* cordially agreed with the noble secretary, that every thing which tended to dispatch in such cases was desirable; but with the Resolution as now proposed, he could not agree. It proceeded on a principle that a number of cases should be left or kept untried. This, he thought, was wrong, as they should proceed until the whole arrear should be wiped off, instead of "considerably reduced," as the Resolution had it; and he should move to amend it accordingly.

The Earl of *Liverpool* reminded the noble earl, that the Resolution referred only to Appeals and Writs of Error. The House had other judicial business to attend to, and which occupied a great portion of their lordships' time, as the cases of the Berkeley and the Banbury peerages this session amply evinced. There must always, from the nature of the thing, be some cases remaining untried, and he thought it would be preferable to leave the Resolution as it stood, as, when the arrear should be considerably reduced, the House could decide on the most preferable mode of proceeding under the circumstances.

Earl *Grey* approved of the amendment. He thought they should proceed in the most expeditious way until the whole arrear was extinguished; and that it would be proper to introduce into that part of the Resolution, instead of the present words, the following: "Until the then existing arrear of causes shall be extinguished."

The Earl of *Liverpool* repeated his argument in favour of the Resolution as it now stood; and thought it would be better to leave the point to the subsequent discretion of the House, according to circumstances, as they were now guided in several other points of a nature nearly similar.

The question was then put on an Amendment, as suggested by earl Grey, which was negatived without a division.

The Earl of *Liverpool* then moved the adoption of the second Resolution.

The Earl of *Lauderdale* recurred to his former argument, that the House had not sufficient information before them, as to the business of the court of Chancery, to warrant the adoption.

The *Lord Chancellor* briefly observed upon the vast increase of the number of Appeals in that House since the periods adverted to by the noble earl: it was ten fold.

The Earl of *Lauderdale,* in reply, contended, that the information required was essentially necessary, to enable the House to form a judgment of the merits of the question. When lord Loughborough presided in that House, there was only one year of Appeals in arrear, and yet they had no information as to the state of the Chancery business at that period. He meant not to speak either in praise or depreciation of the conduct of any noble lord while in that situation. He only wished they should be informed as to the matter of fact.

Earl *Grey,* referring to the increase of balances in the hands of the Accomptant General, observed, that it was no proof of the increase of the general business of the court of Chancery.

Lord *Redesdale* entertained a contrary opinion. That increase, combined with many other notorious circumstances, demonstrated an increase of business in Chancery. It was increased also in consequence of the additional business thrown upon the court by the various acts of Parliament.

The Resolution was then agreed to; as were also the remaining Resolutions.

HOUSE OF COMMONS.

Thursday, May 30.

WOOTTON BASSETT ELECTION—PETITION OF MR. ATTERSOLL.] A Petition of John Attersoll, esq. was delivered in and read; setting forth, "That at the last election of a burgess to serve in Parliament for the borough of Wootton Bassett, in the county of Wilts, the petitioner and Robert Knight, esq. were candidates; and that at the said election, a majority of legal votes was offered for the petitioner; but that William Cripps, esq. the mayor of the said borough, who presided as the returning officer at the said election, received the votes of many persons on the poll, in favour of the said Robert Knight, who had no right to vote at the said election, and rejected many legal votes which were tendered for the petitioner, by which means a colourable majority appeared upon the poll in favour of the said Robert Knight; and the said William Cripps hath unjustly returned the said Robert Knight as duly elected, whereas the petitioner had a majority of legal votes, and was duly elected, and ought to have been returned; and praying that the House will take the premises into their consideration, and grant him such relief therein as to them shall seem fit."

WOOTTON BASSETT ELECTION—PETITION OF ELECTORS.] A Petition of William Sadler, of the borough of Wootton Bassett, in the county of Wilts, slopseller, and Robert Wallis, of the same place, bricklayer, was also delivered in and read; setting forth, "That the right of election of burgesses to serve in Parliament for the borough of Wootton Bassett, in the county of Wilts, is in the inhabitants thereof being householders within the said borough legally settled, paying scot and lot, and not receiving alms; and that the petitioners had a right to vote at the last election of a burgess to serve in Parliament for the said borough; and that, at the said election, Robert Knight, esq. and John Attersoll, esq. were candidates: and that William Cripps, esq. mayor of the said borough, presided as the returning officer thereat, and partially and unjustly received the votes of many persons on the poll in favour of the said Robert Knight, who had no right to vote at the said election, and rejected many legal votes which were tendered for the said John Attersoll, by which means, and by other undue, corrupt and illegal practices of the said Robert Knight, his friends and agents, a colourable majority was procured in favour of the said Robert Knight, who hath been returned by the said William Cripps instead of the said John Attersoll, who had the legal majority of votes at the said election, and was duly elected thereat, and ought to have been returned; and the petitioners further state, that the said William Cripps, and one Jasper Maskelyne, were two of the overseers of the poor for the parish of Wootton Bassett, within which the said borough is situate, for the year preceding the said election, and, as such overseers, did wilfully, fraudulently, illegally, and for election purposes, to the prejudice of the real electors of the said borough, cause the names of divers persons to be inserted in the poor's rates of the said parish as being the occupiers of houses within the said borough, and liable to pay the poor's rates in respect thereof, who were not, at the time of making the said rates, occupiers of such houses, or who had merely a colourable and fraudulent occupation thereof, and who were not liable to the payment of such poor's rates; and did also wilfully, injuriously and fraudulently, and for the purposes aforesaid, omit to insert the names of several persons in the said rates, who were occupiers of houses within the said borough, liable to be rated in respect thereof, by means of which several premises, the rights of the real electors of the said borough have been greatly injured, and the petitioners aggrieved; and praying that the House will take the same into their consideration, and grant them such relief as to them shall seem proper."

Ordered, That the said Petitions be taken into consideration on the 18th of June.

PETITIONS OF THE MANUFACTURERS OF MANCHESTER AND BOLTON.] Mr. *Blackburne* presented a Petition from the distressed manufacturers of Manchester. He stated that the petition was subscribed by more than forty thousand signatures, the majority of whom were reduced to a state of extreme distress. As he conceived this to be a subject of great public importance, he was willing to give the right hon. the Chancellor of the Exchequer and the House due notice, to consider of the best and speediest mode of administering relief to so large and valuable a portion of the community. He should upon a future day call the attention of the House to this subject. He then moved that the Petition be brought up.

Sir *Robert Peel* said, that particular circumstances had made him acquainted with the condition of those upon whose behalf the Petition was presented, and never, he believed, was there an instance in which the labourers of this country suffered such distress. He was far from attributing this serious evil to the conduct of his Majesty's ministers; it was owing, he apprehended, altogether to the successful efforts of our great enemy. He hoped, that as Parliament had already come forward to support the inhabitants of Portugal, under the calamities brought upon them by the troops of Buonaparté, they would be no less anxious to protect their own manufacturers from the consequences of his policy. The body soliciting assistance was a most useful one, and had contributed as much as any other to promote the commerce and welfare of the country. It would, he was persuaded, go a great way to alleviate their distresses if the House of Commons were to shew a fellow-feeling upon the occasion, and, therefore, he hoped that government would deem it expedient to administer some relief.

Colonel *Stanley* said he had another Petition of a similar nature, signed by six or seven thousand of the weavers, spinners and labourers of cotton in the town and vicinity of Bolton, in Lancashire, which he should present when this was disposed of. The petitioners were a most industrious class of men, and the distresses to which they were exposed were great and serious.

The *Chancellor of the Exchequer* said, he did not doubt that such Petitions would always be received by the House, and disposed of, according to its best judgment. In the present instance, he was anxious that the Petition and all its details should be fully before them, in order that they might come to the consideration of the question with all the information necessary. He thought the motion, of which the hon. gent. who presented the Petition had given notice, a proper one; it was right that he should hereafter fix a day for moving that it should be referred to a Committee, upon which occasion, the House would have to consider all the points embraced in such a motion; it would have to consider the evil, the prayer, and the remedy; it would have to consider whether it would be practicable to afford sufficient relief, and as a necessary branch of that consideration, whether, if sufficient relief could not be afforded, the attempt might not excite expectations which could not be fulfilled, and, by so doing, aggravate instead of alleviating the distresses. The present was not the time for discussing those topics; he should therefore satisfy himself with declaring upon his own part, and he believed he might upon the part of every member of that House, that it was his desire to afford every practical relief; but that he should feel it necessary to guard against encouraging any hope which was not likely to be realized.

The Petition from Manchester was then read, setting forth,

"That the Petitioners are reduced to the greatest distress, from the extensive depression of the various manufactures occasioning a deficiency of employment, and from the great reduction of wages, which circumstances, added to the high price of provisions, have subjected them to the most unexampled privations; and that the evils under which they so severely suffer are daily accumulating, and many of their employers, who flattered themselves with enjoying a competence, after many years of toil and industry, now find themselves reduced to complete poverty; and those who are not yet added to the enormous list of bankrupts find their property daily lessening, and cannot, by a continuance in business, in the present state of affairs, promise themselves a better fate; and that the Petitioners humbly submit, and earnestly hope, that some means will be speedily adopted in order to prevent the impending ruin that threatens the country, as great numbers of artists have been compelled, for want of employment, to quit their native land, and to emigrate to foreign countries, in hopes of ameliorating their condition, and to seek for that encouragement which unfortunately has failed them in this their once happy and prosperous country, by which emigrations the trade of the United Kingdom has been much injured and depressed, and must inevitably, in the course of futurity, end in consequences the most disastrous; and that the consequence of this situation of affairs is that the great bulk of the Petitioners are reduced to the most dreadful situation, beyond all former precedent and example, great numbers experiencing the total want of employ, and thousands daily suffering the absolute want of the necessaries of life, for themselves, their wives, and helpless offspring; and that the Petitioners most humbly entreat the House to take into their consideration the distress and situation of the different mechanical branches in general, who are, for want of employment, reduced to want and misery, as the scanty pittance of their earnings is wholly inadequate to procure them the common necessaries of life, the majority of them not being employed more than three days per week; and that a revocation of the Orders in Council would pave the way to a removal of the Non-intercourse and Non-importation Acts lately passed by the Congress and Senate of the United States of America, which have already added, and will no doubt still further tend to add, to the distresses of the Petitioners, and would, in the opinion of the Petitioners, by opening a more extended mart for commerce, in a partial degree be the means of restoring them to a more comfortable state; and if such measure could be followed up with a general and permanent peace, (to obtain which desirable end they hope and firmly trust the House will avail itself of every opportunity), the whole of the grievances under which the Petitioners, together with many thousand others of his Majesty's subjects, labour, would then cease, and the Petitioners would be enabled, by the return of trade and commerce, not only to support themselves and families with credit, but with utility to their king and country; and that, if the desirable objects above suggested cannot at present be attained, without sacrificing any of the interests, or compromising the honour and dignity of the country, the petitioners rely with the fullest confidence on the House adopting some such speedy mode as would operate in amelioration of the present distresses of the petitioners."

Colonel *Stanley* then presented the Petition from several weavers and spinners of cotton handicrafts artists and labourers, resident in the town of Bolton, in the county of Lancaster, or its vicinity, setting forth,

"That the major part of the petitioners are engaged in or dependent on the cotton manufacture, and that such manufacture hath of late years been subject to great fluctuations, whereby the petitioners have been reduced to frequent necessity, and oft deprived of the necessaries of life; and that at all times the petitioners have borne those sufferings with becoming fortitude, but their present burthen impels them, at this very awful juncture, to lay their distress before the House, in the hope that some means will be devised to afford them relief: and that not more than two-thirds of the looms of the petitioners are employed, and a proportionate number of other industrious artists and handicrafts are also destitute of work: and that those of the petitioners who yet have employ are so much reduced in the price of their labour, that, on a fair average, they cannot earn more than 5*s.* per week, and that, from these causes the petitioners are absolutely involved in the deepest distress, not being able to procure a sufficiency of even the coarsest food for themselves and families, nor to pay rent for their habitations: their trivial effects and implements of industry are either already or must speedily be sold at one fourth of their cost to satisfy their landlords, and the petitioners are thereby deprived of even a chance in better times; and that the severe privations endured by the industrious poor have introduced a most malignant fever, and want and penury have long since filled the workhouses, but the applicants for relief are too numerous to be supplied with even a scanty allowance; several subscriptions have been made by the friends of humanity, yet these are very inadequate, nor can effectual relief be given, as the distressed objects daily increase, unless the wisdom of the House devise some method to remove or alleviate the general calamity, which now threatens one common ruin to the greater part of the inhabitants of that once happy county; and praying the House to take into its most serious consideration the very alarming state of the cotton manufacture, which, until lately, afforded employ in the various branches connected therewith to not less than five hundred thousand persons, and that they will enact such salutary laws as will give employ and suitable wages to the industrious inhabitants of that exceedingly distressed part of the empire."

The said Petitions were ordered to lie upon the table.

Mr. Palmer's Claims—The Prince Regent's Answer to the Address.] Mr. *Whitbread* said, before he moved that the Address of that House to the Prince Regent, on the subject of Mr. Palmer's Claims, and his royal highness's Answer thereto, be read, he begged to wave the notice relative to a legislative provision for any future illness of his Majesty, which stood for that evening, as the discussion on the question he was then about to introduce to the House, would probably occupy a considerable time. Even however if that were not likely to be the case, he would have felt it his duty to postpone that notice, in consequence of certain circumstances, which had come to his knowledge, and to the knowledge of the public. On Friday se'nnight, however, he would submit to the House a proposition connected with that subject. He then moved: "That the entry in the Votes of the House of the 21st day of this instant May, of the Address of this House to his royal highness the Prince Regent, humbly to beseech his royal highness to advance to John Palmer, esq. the sum of 54,702*l.* 0*s.* 7*d.* being the balance due to him on the net Revenue of the Post Office, from the 5th day of April 1793 to the 5th day of January 1808, and to assure his royal highness that this House will make good the same, might be read," and the same was read, accordingly.

Mr. *Whitbread* then said, he thought he was justified, from the diligent search he had made, and from the information which he had derived from various sources, in asserting, that Addresses similar to that which had just been read, and directed in the same manner to be presented to the throne, had, during a long series of years, been voted by that House; and he also conceived himself justified in saying, that no Answer, like unto that given to this Address, had ever before been delivered at the bar of that House. It was well understood as a point settled and confirmed, that the House of Commons not only claimed, but had the right to originate all grants of money to the crown; not only that, but they also had the right to appropriate and dispose of all grants so voted. Many salutary rules had been laid down, and a regular course of proceeding had been adopted with regard to the mode to be observed in granting the public money: the adherence to which was of great importance, as giving them a right to appropriate the sums voted by that House. Taking the subject up at the Revolution, and tracing it down to the present period, it would be found, that, in almost every year, addresses had been voted by the House of Commons, calling on the crown to advance sums of money for various purposes, and pledging the House to make good the same. In no one instance, where they had voted such an Address, or where the crown had, in consequence, advanced any sum of money, had the House ever failed to make good such advance. On various occasions the crown had applied to that House for assistance, relying on its powers and privileges as alone sufficient to grant the sums necessary for the support of the throne. The House, in answer to those Messages, had invariably taken on itself the right and the power of granting the object desired, or of relieving those necessities which were pointed out. It remained for the right hon. gent. and his colleagues, in this year, 1811, to depart from the invariable practice of their ancestors, and make the crown, under the administration of the government by the Prince Regent, return an answer, implying a doubt either of the power or the will of the House of Commons to make good its engagements.—It would scarcely, he thought, be necessary for him to guard himself against the misconception of censuring the Prince Regent personally. His acts, like those of the sovereign himself, were to be considered the acts of the minister. And, in observing upon them he should regard them in the same sense, and speak of them with the same freedom. He did not think there was any necessity for recurring to a more distant period than that of the Revolution. In the year 1688, when William and Mary filled the throne, an address was presented, praying that a donative might be granted to the foreign troops who had come over to England with William, and were then leaving the country. This was complied with, without the intervention of the House of Lords. In the case of the duke of Marlborough, the subject was confined to the House of Commons and queen Anne. When the same queen had directed the building of a number of new churches, a similar mode of proceeding was observed. This House had also provided for the wants of the civil list in that reign; it was a very important circumstance, and he was desirous of drawing the particular attention of the House to it. The queen, being distressed for money, made on the 25th of June 1713 a communication to the House of Commons only, calling on them to extricate her from those difficulties, which the state of the civil list had occasioned. This case was the more remarkable, as some notice was taken of it by the Lords, not indeed after the manner to which ministers had now resorted, but still in a manner which shewed, that there was a feeling upon the subject. The duke of Bolton had said in his place, that such a proceeding was calculated to take away the importance of the House of Lords, he had gone so far as to name a day for a motion respecting it, yet, from whatever cause it happened, the motion was never brought forward, and the deficiency was made up by the House of Commons, without any farther step.—In the reign of George 1st, it was also resorted to, and it was remarkable that in the reign of George 2nd, the House of Commons addressed the king for an issue of money to augment the salaries of the Judges, which was done upon that bare Address, without any notice of the Lords, who did not even discuss the question as theoretically as they might have done. The sum was made good, as all sums had been by the House to the crown. Coming down to the reign of his present Majesty there were numerous cases upon record. Among those, all public monuments were erected by the vote of that House, even without its knowing the amount of the expence; so that the Commons took upon themselves to decide not only the grant, but the merit of the persons. In the cases of Mr. Mudge, Mr. Lownds, doctor Smith, and he was not sure whether doctor Jenner might not be added. The House of Commons had voted money without the concurrence of the Lords. There were two instances in the present reign, which were still more remarkable, which occurred at times when the Committee of Supply was open, to which no concurrence on the part of the other House was required, although opinions on the subject were so different, that on the Journals of the House of Lords a Protest was to be found, signed by the lord chancellor and archbishop of York of that day, and by several other peers, objecting to a part of one of those grants, which necessarily came before them. It was hardly necessary for him to say, that he alluded to the case of the great earl of Chatham, of whose merits and services no man could think more highly than he did. On the death of that nobleman a bill had been brought in, making a provision for two or three of the next successors to the title, and on the 2d of June 1778 a Protest was entered against the passing of this Bill, "because", in the words of the Protest; "We cannot agree to such an unwarrantable lavishing away of the public money, at a time when the nation groans under a heavy load of debts, and is engaged in a dangerous and expensive war. 2. Because we fear that this act may in after times be made use of as a precedent for factious purposes and to the enriching of private families at the public expence."

This Protest was signed Bathurst, Chancellor, also by the archbishop of York, the duke of Chandos, and lord Paget. Besides this provision for the next successors of this great man, however, the House of Commons, without any communication with, or any consent on the part of the House of Lords, did immediately proceed to vote to the late earl a monument, and to address his Majesty to advance 20,000*l.* in discharge of his debts; with this very circumstance of the Protest alive in their mind; and of this additional grant voted by that House alone, no notice whatever was taken. In still later days a monument had been voted to the memory of Mr. Pitt, and a sum of 40,000*l.* granted for the payment of his debts, after considerable discussion, both by addresses of that House without any concurrence on the part of the House of Lords; without even being brought under their notice; for, though these sums were comprehended in the Appropriation Act, they were not stated as being to pay the debts of Mr. Pitt, but made part of a larger sum under the head—"For sums issued pursuant to Addresses of this House."

He knew that for certain smaller sums the House of Lords had been in the use of addressing the crown, such as for the expence of printing their own journals, &c. and he knew that there were at present counsel employed in their House in defending claims connected with their privileges, which must be attended with expence which it was proper they should have the means of discharging. He did not know whence had arisen the right or privilege of originating money bills in that House and not in the House of Lords, except in usage. Nothing was less desirable than that any difference should subsist between the Lords and the Commons: he was happy to say that there was not at this moment the appearance even of a disputed point. This being so, all that he had to call the attention of the House to this night was to a dispute between the crown and the House of Commons. What was the amount of the Answer which the Prince Regent had been advised to make to the Address of that House? Why, that he would wait till the means of making good the sum were provided by parliament! By parliament—a word never before used by the crown to that House—a word never used by the Speaker when he went to tender in the other House the Money Bills for the service of the year—a word never before used by the King in his speeches to the two Houses, in which, when he acknowledged receiving the supplies, he specially thanks the Commons for the supplies, and not the parliament, or the Lords and Commons jointly. And ought the House to allow that novel and unusual proceeding? Should they allow that expression to pass—'that 'he will wait till parliament make good 'the same.' In the case of relief to the Portuguese, had not the Commons always been applied to, to extend their benevolence; and if so, with what grace did the Prince Regent now come—with what grace was he placed before the House, telling them that he would wait till parliament enabled him to issue the money? When that House was called on to vote millions for the exigencies of the State—for the support of the royal family—and to alleviate the distresses of foreign nations, was it becoming thus to deal with them, when they addressed the crown to advance a sum which they esteemed a fair and just debt truly owing by the country to an individual? With what grace were they then told, "I doubt you will prove either false to your word, or that you will not have it in your power to redeem it; and therefore, I will wait till parliament enable me to make the advance?" He appealed to the right hon. the Chancellor of the Exchequer himself, with how much perseverance and zeal, the hon. member who had supported Mr. Palmer's claims had acted, and at the same time with how much propriety he had uniformly conducted himself, while his exertions, though uniformly successful in that House, had been as uniformly defeated out of it. The minister, though opposed to a private individual, had been beaten times out of number, yet still had contrived to render the victories of his opponent of no avail. Such had been the manœuvres resorted to by the right hon. gentleman, by bringing the matter to be considered at the end of a session, by a thin House, after it had already been carried when the attendance was great, as to occasion the late Mr. Windham to remark, that this was not an appeal from Philip drunk to Philip sober, but one from Philip sober to Philip drunk.—Having stated the various shapes in which the claims of Mr. Palmer had been before the House, down to the Address to the Prince Regent, the hon. gentleman contended that no symptom of any misunderstanding with the Lords appeared; but if it should, the Commons were the judges of their own opinions, and if they chose to risk that rupture, it was not for the minister of the crown to interfere. The House was not to consent to be put under the tutelage of any minister, but was to be entitled to fight their own battles. The right hon. gentleman having been defeated within doors, was resolved to be victorious out of the House. But it was for that House to tell that right hon. gentleman, that they would not consent to be thus let down, but would rather run the risk of a difference with the Lords. They were called on to let the right hon. gentleman know that they would not be put down by the crown: but would support these privileges, the greatest and best which they could possess.—The hon. gentleman concluded with moving, "That whoever advised his royal highness the Prince Regent to doubt the readiness and sufficiency of this House to make good any sum which, in compliance with its Address to that effect, his royal highness shall direct to be advanced, gave advice calculated to disturb that good understanding between the Crown and the Commons which it is of the highest importance to support and maintain."

Colonel *Palmer* then rose, and and spoke under the influence of such natural feelings, as rendered him scarcely audible. He expressed a hope, that he had, throughout all the discussions upon this question, conducted himself with becoming temper; and he would confess, that the manner in which the debate had been managed on a late occasion, did put that temper to a severe trial. He should not then trespass on the House by replying to arguments which had been so often refuted; but as he found that forbearance served only to provoke still greater hostility, he should on that occasion submit to the House a plain statement of the case. He should have expected of the right hon. the Chancellor of the Exchequer, who was the great opposer of Mr. Palmer's claims, that having once made a promise upon the subject, he would have considered himself bound to perform it. That right hon. gentleman, and others, on a former night, had resorted to extracts from private letters on which to ground their accusations against Mr. Palmer. Now, he, too, could refer to a private letter from that right hon. gentleman, containing a promise, which he should leave the House to judge how he had performed. The letter had been written to an hon. friend of his, to whom he should ever feel indebted for the continued support which he had on all occasions given to Mr. Palmer's claims. That hon. friend had remonstrated with the right hon. gentleman, on the opposition which he persisted in giving to Mr. Palmer's claims; and in answer to such remonstrance the letter he alluded to had been written, stating, that if the Address should be agreed to on the Report, he would give the claim no farther opposition. Now, he should ask the right hon. gentleman how that promise had been fulfilled? He would ask him, too, how he could reconcile it to himself, or to the House, that he had sent the Bill in a former session up to the Lords, not only without but against his consent? This was an outrage upon him, as the originator of the proceeding in that House. In the next session he had been advised by his friends to bring forward the motion he had submitted this session; but he preferred going into a court of justice, especially as the right hon. gentleman had boasted, that if he did so, the claims of Mr. Palmer would be done away with, and himself indicted for a conspiracy. After such a statement, he considered himself bound to go into a court of law. He was aware that the objection on the trial had been first started by the judge, that unless it appeared that the money had been received to Mr. Palmer's use, the action could not be maintained. Mr. Serjeant Shepherd, who was leading counsel for Mr. Palmer, stated, that he had been aware of this objection, but added, that as the ground of going into court was to obtain a decision on the merits, that might be had if the counsel for the other side would admit that the money had been so received. [Here the hon. gentleman's voice dropt, and he appeared to be greatly affected; having succeeded with some difficulty in uttering a few sentences, which we could not hear, he was at length overpowered by the violence of his feelings, and under the necessity of sitting down.]

Mr. *Bankes* agreed with the hon. mover in many parts of what had fallen from him, both with respect to the general practice of the House and its high authority. The limits of its powers were large and extensive, necessary for its own dignity and security, as well as for the benefit of the people. He might add, that their permanency depended on keeping within these bounds. He was also ready to admit, that there was no precedent for an answer like the present, but would the hon. gent. shew him any precedent for such an Address? When the opposition of the other House to this grant was known, and that House had an equal power with the Commons with respect to the grant of money—(Hear, hear,)—he denied that this House, as asserted in the terms of the motion, were "sufficient" of themselves to make good a money grant. All the best writers down to Blackstone, surely not one of the least authorities, held this doctrine. The Commons, indeed, had the right to originate and appropriate. This no one denied, but it was equally undeniable, that their vote was not decisive or binding upon the public without the concurrence of the other House. Under all circumstances, it was the duty of the minister to advise the crown; and in what state would he have placed the revenue and the Civil List, had he advised any other than the qualified answer that had been returned? The House had often addressed the crown to advance money, and had added that they would make good the same; and in all such cases a speedy answer was advisable. If it was the usual answer, then, should it be *bonâ fide* observed or not? Certainly, whatever the throne said should immediately be fulfilled. Would it then have been consistent with their duties, had ministers, on this occasion, knowing that the other branch of the legislature was of another opinion, with the same documents before them, and without the possibility of any change having taken place since that opinion was declared three years ago; would it have been consistent with their duty to have advised the crown to advance the money for this, not a liberality or a donation, but a claim of right? If they had advanced this sum out of the Civil List, knowing that it was not likely to be repaid, it would have been a palpable instance of waste and negligence, and would have put parliament into a most disagreeable situation—that of a difference of opinion between the Houses, which, however lightly the hon. gent. might think of it, he must consider as an event most anxiously to be deprecated.—The hon. gent. had said, that the vote on this specific question had not come before the Lords, but they were possessed of all the documents on which it was founded in the Appropriation Act, which was refused solely on the ground of this claim. The hon. gent. had called that pertinacious in the right hon. the Chancellor of the Exchequer, which he (Mr. Bankes) called only doing his duty in the difficult task he had to perform in disposing of the public money. It was his imperative duty to take care that no waste in the public money took place, and consequently to resist any claim which he considered to be ill-founded. The decision of the House, too, on this question had been compared, not to the reference of from Philip drunk, to Philip sober; but from Philip sober, to Philip drunk. The Journals, however, would bear him out in stating, that the latter decision relative to taking this claim out of the Appropriation Act, was come to in a House much more numerously attended than that in which the justice of the claim had been recognized. High as he rated the privileges of the House, and essential as he considered them to be for the public weal, he could never, by assenting to a motion like the present, attempt to carry them one step further. He wished there were more checks on the issues of public money, and therefore preferred every other mode to that of Address, which, by according with popular clamour or individual canvas, might extort the nation's money without those constitutional opportunities of discussing the merits of the grant afforded by other measures. Gentlemen talked of the power of ministers to bring down majorities to that House, but he affirmed that they often saw the public claims less potent than those of individuals canvassing for favour and support. The hon. mover had said, leave the two Houses to fight out their own battle. To him it appeared one of the greatest disasters that could happen, if ever it should come to an expression of hostile opinions between the Houses. To hold the inconvenience of this Answer to be as great as that misfortune, was in his idea to hold a very exaggerated opinion. The crown might and must know constitutionally what had passed in a former session of parliament; and at any rate it was the duty of ministers to be acquainted with these proceedings, and be guided in the advice they gave accordingly. It was also their duty to guard against any possibility of a dissension between the two Houses; of which, if they fell short, they would be deserving of censure, instead of the commendation which, in his opinion, they merited for their conduct in this instance. The hon. gent. then alluded to his motions for Addresses on the subject of the grant of Places in Reversion, which he argued was not a case in any way parallel to the present, as the consent of the Crown would have rendered it complete without the Lords, and also as it was only a temporary measure. The present was a case in which it was for ministers to exercise their discretion, and they had well done so. The Answer was gracious in respect to the House, and only made use of a necessary and prudent reserve, which, as faithful stewards, they were bound to use. Considering also the assertion of the "sufficiency" of the House of Commons, in the motion, to be untrue and completely unfounded, he would give his decided vote against it.

Mr. *Lambe*, with all the desire which he sincerely had to concur in the motion of his hon. friend, still found himself unable to do so, because the conviction which established custom had fixed upon his mind, remained unshaken. When he differed from his hon. friend on this subject, he still was firm on the point of preserving their privileges in case they should be attacked. Those privileges were given them for the benefit of the people: they were the safe-guard of the country; and that House was bound to return them in safety to their representatives; they should preserve them unshaken by the crown, unimpaired by the House of Lords, unencroached on even by the blind fury of the people themselves. If his hon. friend thought that ministers were attempting to tamper with those privileges, he ought not to have allowed a single day to interfere between the breach and the accusation. As to the precedents which had been adduced, if they were allowed to have any weight, they would go to affirm that the House of Commons would have a right to vote money bills altogether, without the check or control of the House of Lords. Three precedents had been quoted, which were founded in the reign of queen Anne. It was true, indeed, that the sums therein alluded to had been voted by a communication between the queen and the House of Commons, but the reason of this was obvious; no application was necessary from the crown to the House of Lords for the grant of money, because the grant must constitutionally originate with the House of Commons.—Having delivered his opinion on the parliamentary law of the subject, he must also beg leave to give his judgment on the conduct of ministers. He could not help thinking that the right hon. gent. would have acted much more wisely, if he had lent a furthering hand to the decision of the House of Commons, when they had agreed that the money ought to be granted, instead of giving, as he had done, every possible opposition to its effect. If such a principle was to be acted on, it must come to this: that the votes of the House would be considered omnipotent when they were given in support of the minister, and of no effect whatever when given against him.

Mr. *C. W. Wynn* felt himself in a singular predicament; because having formerly voted against the grant to Mr. Palmer, he was now inclined to vote for the motion which went to support that grant. It did not signify, however, what might have been his individual opinion on a former occasion, that opinion the House had over-ruled, and he considered himself bound by the decision of the majority. In exactly the same situation as now did he stand the last session. He was determined to vote for the present motion. On the Address, the simple address of that House, the King had paid the debts of the earl of Chatham. It was a notorious fact that the address of the House of Commons, or their vote, was always considered decisive on money questions. Did the Exchequer ever wait for any thing else? Did they ever wait for an act of appropriation? Even in the loan, where all a man was worth in the world was concerned, they never scrupled to act on the mere Resolution of the House of Commons. As to what had been said with respect to the issue of small sums by the House of Lords, no doubt it was the case. But was it not also the fact, that the moment these sums were voted by the House of Lords, they were provided for by a vote of the Committee of Supply of the House of Commons, and to this vote the Exchequer paid respect? He must contend, after all that had been said upon the subject, that there was no parliamentary ground for supposing that any difference of opinion existed between the Houses of Lords and Commons. It was certainly true that the grant of this money had been formerly voted by the House of Commons, and rejected by the Lords. It ought to be remembered now, however, that it was three sessions since the Lords had rejected this grant, and the Commons had no right to suppose that they might not have changed their sentiments. It was an established and acknowledged principle, that the House of Commons was the guardian of the public purse—the sole dispenser of the public money. In his opinion, if they submitted to the answer of the right hon. gentleman (for he should not call it the Answer of the Prince Regent), they would at once relinquish this constitutional privilege. There could not, in his mind, be a stronger case made out than the present. If they now conceded, it would be in short doing nothing less than inviting the House of Lords to dispute their privileges. When those privileges were disputed, then would be the time to defend them. At present, he should content himself by giving his assent to the motion.

Sir *J. Anstruther* thought there was no question about the power possessed by that House, of originating grants, or the power of the Crown in relying upon that House for aid, or of the principle of any of the Addresses to the Crown. The question more immediately for the House to consider was, whether they having come to a Resolution to address the Crown, and the Address being carried up, it was not the duty of the minister to advise the answer; and whether, having so advised, there was any thing in that answer which could be construed into a breach of the constitution. What was desired by the hon. mover? Why that the House should pause. Was there any thing unconstitutional in that? The right hon. baronet then took a view of the rise and progress of Addresses, which, in some instances, he observed, had been carried a little further than strict principle could warrant. In many instances the crown had exercised its own discretion against the advice of the ministers. In those times, which by some would be considered not the worst, when a Whig Administration governed the country, upon an Address of the House to queen Anne, recommending the fortifying Chatham and Portsmouth, the Queen returned for answer (which, according to the doctrine of the present day, was an answer tending to disturb the unanimity of both Houses), that she was happy the House had attended to the fortifying Chatham and Portsmouth; but that as the expence was to be defrayed out of the aids of the year, and the expence was indefinite, she would order the plans and estimates necessary for the works to be drawn out, and then call upon parliament for their aid and assistance to carry it into effect. That was a case in point. He did not know in what part of the constitution it could be found that one House issued money from the public purse without the consent of the other. Were ministers to be blamed for advising the Crown to recommend the House to pause, not for the purpose of rejecting Mr. Palmer's claim, but to give an opportunity for both Houses to agree upon the mode of satisfying that claim if well founded? It was clear that one House thought a Bill was the proper mode of originating the claim. He therefore approved of Ministers in the advice they had given, which if they had not done, they would have been highly censurable. Even if he did not think so, he could not agree to the motion, as he saw nothing in the Answer that could be construed into an expression of doubt as to the readiness or sufficiency of the House of Commons.

Mr. *Tierney* said that he perceived the right hon. gentleman opposite did not mean to enter on his defence, but chose rather to trust to his numbers than to argument. This was, however, in his opinion a most important case; it contained the claims of a very meritorious individual, who had been of the greatest service to the public and to the revenue. It had undergone the ordeal of no less than six investigations, and, so many times had that House been determined in his favour. He would not then trouble the House by going into any lengthened detail of the whole of Mr. Palmer's treatment from his first connection with his Majesty's government. The petition of Mr. Palmer came recommended from the Crown; it was referred to a Committee, great numbers of whom were the friends of the right hon. gentleman; and that Committee had determined in favour of Mr. Palmer. The right hon. gentleman contrived to leave the vote out of the Appropriation Act, and the matter was made the subject of a separate Bill which was thrown out by the Lords. The right hon. gentleman, finding himself out-voted in the House of Commons, very cunningly said to himself, " Well, as that is the case, though I have many friends here, I have more in another place, and there I can defeat all that has been carried against me here." From this circumstance the right hon. gentleman inferred that the Lords' decision upon that Bill was a proof that they would be adverse to the vote of the House of Commons. This inference, however, Mr. Tierney denied; for the Lords had only said, that they thought the claim of Mr. Palmer to the per centage was too great. He was sure however, the Lords would have no objection to give Mr. Palmer 54,000*l.* as a remuneration, which came recommended by the Commons, not only to compensate his public services, but which was to be in lieu of the per centage to which he had so strong a claim. He would be glad to know, where on the Journals of the House they could find a precedent of a man, whose services had been highly beneficial to the public and to the revenue, with six decisions of the House in his favour, obtaining a vote and nothing else? And all this (said Mr. T.) on the ground, that the Lords have an equal power with us in the granting and distributing the public money. If they have such a right, they must be the most ill-used men in the world: for how does this House use them? At the end of every session, the House of Commons, after voting the whole supplies for the year without ever consulting the Lords, send up an act containing all the sums voted, and all the taxes, in which there is a clause of appropriation; and it is therefore called the Appropriation Act. This Act the Lords are obliged to assent to, even to the amount sometimes of forty millions; and if their lordships were to make an alteration of even a penny in it, the Bill would be thrown out on its return to the Commons, and away at once go all the supplies for the year.—The Lords had never expressed any disapprobation of the salary of 3,000*l.* which Mr. Pitt had granted to Mr. Palmer, nor had even the House of Commons been applied to. That was done by an Order of Council; and if Mr. Palmer had now a friendly administration to deal with, so might this have been settled. He could see no reason why the objection had been mentioned, unless the right hon. gentleman meant to invite the Lords to share with the House the power of originating money bills.—If you must, however, go to the Lords (said Mr. Tierney), how do you know the Lords, had they been consulted, would have agreed to the payment of Mr. Pitt's debts? That right hon. gentleman was undoubtedly very popular at one period, but never so much so as his father lord Chatham, was in his day; and yet the Lord Chancellor, the Archbishop of York, and two other noble peers, entered a protest against paying the debts of lord Chatham, though the House in general seem to have passed it over, as not wishing to interfere in a money concern.—If the House of Commons chose to content themselves with the Answer to this Address, then would the Journals of this year and the last contain the most melancholy proofs of the downfall of the House of Commons. If they yielded to such reasons for not enforcing their Vote, they were going out of their way to bring on the interference of the Lords, and to invite them, as it were, to trample on the Commons. In short, the whole question was, whether the House, having voted what they had done, would sit down content with such an Answer. He was sure the Prince Regent had been entrapped into it. It was a melancholy thing, at the commencement of a reign, to see a line of proceeding pursued to bring on a difference between the Crown and the House of Commons; but such a matter, if effected, would be worthy the ingenuity of the right hon. gentleman.

The *Chancellor of the Exchequer* was satisfied the House would do him the justice to recollect, that he was not disposed, as the right hon. gent. asserted, to shelter himself under numbers, for he had risen immediately before the hon. gent. (Mr. Bankes), who had, however, the good fortune to catch the Speaker's eye. The question was to be decided by argument, and not by numbers. He could not avoid adverting to the difference of tone entertained by gentlemen opposite on a former night; they then stated, that in giving to the Prince Regent the advice which had been followed, he (the Chancellor of the Exchequer) had committed an act unconstitutional in it nature, and infringing on the privileges of the House. On that occasion he had challenged the hon. gent. to bring forward the charge, as indeed it was his duty to have done, immediately. It could not be forgotten that the hon. gent. was very anxious upon that subject. What was the nature of the charge, as now made? That the Address of this House was operative upon the Crown; and that it became, as it were, the moment it passed, a sort of imperative command which the Crown was bound to obey. Was it so? Did it follow that the Crown was bound to assent immediately to the terms of any Address? Would any man at all acquainted with the constitution of the country, affect to maintain such a position? Had not the Crown the full, legal, and constitutional authority to pause before it complied with that or any Address of a similar nature? That was all that had been done in this instance; and when gentlemen contended for a doctrine contrary to this, they were maintaining what, in his opinion, would tend to subvert that fabric they so much desired to retain—the ancient constitution of the land. The questions, however, for the House to entertain, were these: was the Address to be considered in the nature and light of a command, and if not so to be considered, then was it unconstitutional in the minister to advise the Crown to give an answer such as had been given? In the next place, was the advice proper to be given? and was there any thing in the manner of giving it which could lay the advisers open to censure for the terms in which the answer was conveyed? As to the first proposition, there was no man, he was certain, would hesitate to admit that the minister was bound to give the Crown advice, and the Crown, as one of the branches of the legislature, had the undoubted right of exercising its assent or dissent to any measure. If a Bill were proposed and passed both Houses, the Crown might assent to or dissent from that Bill, and refuse to sanction it. If then, it was in the power of the Crown to refuse its assent to any Bill which might pass both Houses, he should like to hear the dictum stated which should declare that the Crown was not equally competent to give an opinion as to any address of this or the other House. For to that extent the doctrine must be carried, if the motion of the hon. gent was acceded to. He did not mean to say the refusal of a part was any thing like the refusal of sanction to a measure passed by both Houses. It could not be contended that the refusal was a breach of the constitution: in this case, it was infinitely less strong than if it had been directed against a Bill passed by the two Houses. The power of refusal must then be admitted to exist in the Crown, and the right of advising the Crown to rest with the ministers. The absolute right of refusal, if necessary in any case, was not under consideration. It had not been done. What was the answer complained of? Why, the answer expressed the readiness of the Prince Regent to comply with the wishes of the House, but desired some little time for consideration. At the same time, however, he was ready to admit, that the answer must be taken as the answer of the ministers; but did it therefore imply any distrust of the power of the House, or any inclination to interfere with that power? It was only distinctly saying that the assent of the two branches would be more desirable. It was not constitutional to present the Address in the language of command. With respect to the precedents adduced; why, the proposition that this claim was one of right and justice, and therefore demanded, was saying too much, when the other House had given a distinct and decided opinion on that demand, expressed, as it had been, when the Bill was brought in upon the subject. If gentlemen wished the House of Commons to quarrel with the other House for differing in opinion, was it not competent in the ministers of the Crown to advise the Crown against it? He did not know any right which the constitution gave to the one House more than the other, of enjoying the luxury of quarrelling. Ministers were bound to prevent it, but the right hon. gent. (Mr. Tierney), wished the Crown to sit quiet, and see fair-play.—He seemed to prefer that to peace and tranquillity. He also considered the question as a mere matter of revenue, connected with the management and collection of it; but even on that point the other House had decided. Those who preferred the mode of Address to a Bill, might as well contend that taxes should be originated by address. The precedents alluded to, of grants to the duke of Marlborough, the earl of Chatham, and the grant of money for building churches, were ultimately provided for by act of Parliament. The object of the Address might be seen through; it was preferred, because it would thereby give the go-by to the House of Lords. With respect to the practice adopted concerning loans, the right hon. gent. was not correct. When made, the ministers certainly previously received the sanction of the House of Commons; the money was lodged in the Bank of England for security, but it was not touched by the government until an act of Parliament had passed for authorizing its being received into the Exchequer. It was not enough for one House to vote any specific sum; the Parliament collectively must vote it.—The right hon. gent. then alluded to the arguments adduced by gentlemen opposite on former occasions, particularly with respect to the Auditorship of the Exchequer; to shew that they had contended for the necessity of obtaining the consent of the other branch of the legislature to the regulation of that office.—He submitted that he had endeavoured to shew that there had not been any breach of the constitution, nor any disrespect to the Commons; that all which was desired was, that the grant should be completed by the sanction of Parliament.—Having made some further observations, he proceeded to notice the remarks which had fallen from the hon. colonel (Mr. Palmer), lamenting that it should have fallen to his lot, as a part of his duty, to read any thing which might have hurt the hon. gentleman's feelings, or revived the recollection of conduct which might lay the claimant open to censure. He defended the conduct pursued by himself, in recommending the inquiry into those claims, which he had done from a motive of not wishing to appear as acting harshly. He concluded with expressing his opinion, that, under all the circumstances, the House would concur in thinking that the advice given was most proper; and therefore he should object to the motion of the hon. gent.

Mr. *Ponsonby* maintained that it had been the right of the House of Commons to issue any sums of money ever since the Revolution. He did not mean to argue the present question as a breach of privilege, but he confessed he felt some surprise to hear the gentlemen on the opposite side cheering the expression of sentiments, which tended to lower the dignity of the House. He must consider the Answer sent to the Address of the House as derogatory to its honour; and never, he hoped, would that House suffer itself to be dictated to what extent it should raise any sums of money. The right hon. gent. had said, that he was not to be blamed, but he maintained that he was, for he took the part of the other House against the House of Commons. He would ask, whether there were no instances where the House of Lords disagreed with the vote of the House of Commons; and yet that the House of Commons had persevered and finally prevailed? The right hon. gent. said, that the House of Lords had a legislative voice, and he agreed that they had, when the matter came before them in a legislative shape, but in no other. What were the words of the answer? "When the House has made legislative provision for the same;" that was, when the House had consulted the House of Lords. The House of Lords had but a simple affirmative or negative in such matters, and it was absurd to argue for their possessing a coequal power in matters of money. He should be as sorry as any man to see any dissension between the Crown and the Commons; but there was nothing more calculated to create it than such an answer as had been sent to the Address! and he would assert, that if the House of Commons possessed less power than was now constitutionally vested in it, public liberty would not be long preserved. The right hon. gent. had said, that he wished to avoid any quarrel between the two Houses; but he presumed the possibility of such a quarrel, and then attempted to justify himself on this assumption. If the House of Lords had thought their rights invaded, they were then sitting to vindicate them; but the right hon. gent. stepped in to their assistance, and anticipated the necessity of his interference. It was evident, however, why he pursued this line of conduct, because it pleased himself, and therefore he declared himself the unsolicited, unsought-for, advocate and ally of the House of Lords, and that merely because he thought them adverse to the claims of Mr. Palmer. The short question was this: the right hon. gent. admitted the power of the House, but denied that they had discreetly exercised it on this occasion. The House of Lords had once differed on this question, and they might differ again, and therefore he advised the House to bring in an act of parliament to sanction their vote. He believed there was no instance to be found where the Crown had refused its assent in such a case as this when there was no objection to the grant, neither in point of time, nor in any thing else; but the right hon. gent. assumed to himself the interference of another branch, and assigned that as a reason why the crown should refuse its assent to the Address of the House of Commons.—He contended then that the answer was offensive to the House, and ought to be resented. The right hon. gent. might be applauded for condemning the use of the power of the House, but he would contend that it was highly useful and necessary, for he was not so much in love either with the power of the Crown or the House of Lords, as to prefer it to that of the House of Commons, and he confessed that he never expected in that House to have heard the minister applauded for giving a decided preference to any other part of the legislature.

Mr. *Whitbread* was a good deal surprised at the manner in which the question had been discussed. It was not a question of party. He saw, however, that he was likely to vote in a small minority; but however great the majority against him might be, it was still a majority against the House of Commons. He had been accused of inconsistency. He had never used the word privilege. He had been cautious of that. He had seen too much of the effects of the high privilegians; he had seen the odium into which they had brought the very term; he had seen a motion put into the mouth of the Speaker, which had brought these privileges to be canvassed before a court of justice. He had been accused of inattention. The day on which he intimated his motion, was a day on which no business was ever discussed in the House; and on Monday, the second day, it was necessary for him to be absent on public business. He called upon the Speaker to bear witness, if he was not a vigilant member of the House; and he thought it rather hard, that while he had been sometimes charged with a troublesome sort of activity, he should now be charged with negligence. He would have brought the motion forward on Monday, but he was called away on public duty. He had travelled many miles to bring forward this unsuccessful motion.—He then proceeded to consider what had been said by the right hon. the Chancellor of the Exchequer as to the refusal of the Auditor of the Exchequer to issue sums upon the responsibility of the minister. Was this case at all in point? The right hon. gent. was then keeping the throne unnecessarily vacant, and was usurping the power which could only belong to the Crown. He said the Chancellor of the Exchequer had been beaten again and again on Mr. Palmer's claims; but he had shewn he could stoop to conquer; and that which he could not do in one House, he would attempt to do by another. With respect to the case which had been quoted in queen Anne's time: did the House of Commons say they would make good the sum? By no means. And the answer was most proper; that an estimate would be laid before them. Had the minister in reading the Address to the Prince Regent, thought fit to stop at the words make good, would he not have deluded the Prince? The answer returned was extremely ungracious: it was as much as saying, "You fools, you do not know what you are about—you are mere babies—you are going to get into a quarrel with bigger boys than yourselves, who will lick you." With respect to what had been said about the power of the Crown to refuse assent to Bills, he would ask, if the Bill for Catholic Emancipation should pass both Houses, whether any minister of the Crown would dare advise the Crown to interpose a veto? He asked, with what consistency an hon. gent. (Mr. Bankes) could oppose this question, who himself on the failure of the Reversions Bill in the House of Lords, proposed to set aside the Lords by an Address to the Crown. He should have liked to have heard what he would have said if any minister of the Crown had advised the granting any Reversion after such an Address! He asked if it became the right hon. gent. to say to those who furnished the Crown with the sinews of war, that they were not sufficient? Their practical power after this was gone. Who would dare to propose a vote by Address hereafter, if that vote was not agreeable to the minister of the day? He had done his duty in bringing forward the present motion, and whether he should be joined with a small or large minority, or even if he should be alone, he should still feel himself called upon to divide the House.

Mr. *Palmer* said, that he would willingly leave the whole matter to the decision of a court of law, provided the case should not be allowed to be injured by the recent death of a most material witness, whose former examination might, however, be received as evidence. He mentioned an offer of compromise which had been made to him last session, by a person who stated that he was authorised to do so. At that time he declined it; but after the session, being ordered on foreign service, and contemplating the probability that he might not return, he wrote to the right hon. gent. opposite on the subject, who disavowed any knowledge of the offer which had before been made to him. He apologised to his friends for the trouble which he had given them. Many of them had advised him not to press his father's claims at present, but to wait for a more favourable opportunity. He had been induced to reject that advice from a consideration of the weak and infirm state of the individual in whom he was so nearly interested, and who, if he did not speedily enjoy the benefit of a determination in his favour, would in all probability never enjoy it at all.

The *Chancellor of the Exchequer* would be very happy if the affair could be decided in a court of justice, but expressed his conviction that it could not be so modelled as to be brought fairly to issue. With respect to the offer which the hon. gent. said had been made to him, he declared himself wholly ignorant of any authority having been given to any one on the subject.

The House then divided,

For the motion	68
Against it	161
Majority	—93

British and Irish Militias Interchange Bill.] The report of this Bill having been brought up,

Mr. *Parnell* rose to move a clause to give to the Catholic Militiaman legal security for the exercise of his religion in this country. He was ready to allow that the amendments which had been made to the Bill in the Committee had removed some of the objections which he originally entertained. By them the Catholic Militia officer would be protected against the penalties and disabilities of the Test Act, and the Acts of George 3. Still, however, the Bill was not what it ought to be, so far as the Catholic private soldier was concerned. Though the right hon. gent. said he was willing to put him in this country on the same footing in respect to the exercise of his religion, as he was now in Ireland, and that a general order would be issued immediately by the commander in chief for that purpose, he (Mr. Parnell) would maintain that such a security was not a sufficient one—because even in Ireland the Catholic soldier did not stand in the condition in which he ought to be in this respect; for though the Irish Act of 1793 enabled the Catholic to serve in the army, the constructive privilege conferred by that act as to religious worship, was taken away by the mutiny act. By this Act, which is annually passed by parliament, every commanding officer in Ireland is enabled to order the Catholic soldier to attend the Protestant service, and in case of disobedience of his orders, he is enabled to inflict the punishment of fining and imprisoning, in a summary way; or to bring the soldier who disobeys him before a court martial for the general crime of disobedience of orders. This was a power which does at this moment exist in Ireland. To give, therefore, to the Catholic Militia-man, when in this country, only the same privileges as he possesses in Ireland, was to leave him subject to a punishment by law for refusing to attend the service of the established church. He endeavoured to remove this great injustice by the amendment which he proposed to the Mutiny Bill, when last before this House; the reasons for adopting a clause such as he now proposed, were still stronger than any which he could urge in favour of that amendment. By this Bill Catholics are compelled by the ballot to serve in the Irish Militia, and those who may be hereafter admitted into the militia are compelled to serve in England. All persons entering into the army by enlistment did so with their eyes open, and knowing the restraints to which they would be subject.—But this Bill was one which compelled the service of the Irish Catholics in England. Was it not then but just to make provision in such a Bill that he should at least enjoy, in reward for his service, the unquestionable right of exercising his religion according to the ceremonies of his own church.—But the House should observe, that the Catholic soldier would not enjoy the same protection under a general order of the commander in chief in this country as he does in Ireland. Ireland being a Catholic country, he had there every facility of attending the places of Catholic worship. He was also sure of protection and redress in case the orders of the commander in chief were isolated. Here, on the contrary, places of Catholic worship were but few, and if a commanding officer thought proper to disregard the general order, there would be no chance of his injuries being known or redressed. Besides, proceeding by a general order was very objectionable, as it was an Act dispensing with the law of the land. The Mutiny Act makes it legal to punish the soldier for refusing to attend the Protestant church service. The general order says, that part of the law shall not be enforced. What was this but to dispense with an act of parliament and to violate the Bill of Rights? It was also to be objected to this way of proceeding, that there was no probability that it would afford the Catholic a permanent and effectual security. The repetition of these orders proved their failure to do that which they were designed to do. In Ireland there had been four general orders of commanders of the forces since 1807. Each successive order referred to the violation of the preceding one, and thus proved their inefficacy. An hon. bart. (sir J. C. Hippesley), who was absent through indisposition, had authorised him to say, that in the western district of this kingdom, four successive orders had been issued at his instance, and each of them had failed to give the Catholic protection. —Under all these circumstances, therefore, he should submit the following clause to the House, as the only way by which complete security could be given to the Catholic for the full and free exercise of his religion.

"And be it further enacted, that it shall and may be lawful for all persons professing the Roman Catholic religion, serving as commissioned and non-commissioned officers, drummers and private men, in any regiment, battalion or corps of Irish Militia, which shall be called upon to serve in Great Britain, to attend the celebration of divine service, according to the ceremonies of the Roman Catholic Church, in as full and free a manner as Protestants (being officers or soldiers) are now permitted to attend the celebration of divine service according to the rites of the Church of England.—And that no such commissioned, or non-commissioned officer, or private man in any regiment, battalion or corps of Irish Militia, which shall be called upon to serve in Great Britain, shall be liable, under any provision of the Mutiny Act, to any punishment whatsoever for refusing to attend divine service or sermon, according to the rites of the Church of England."

Mr. Secretary *Ryder* had stated it to be his intention to place the Catholic soldier on the same footing here as in Ireland; and on such a footing, he contended, he was placed by the Bill as it at present stood. Immediately after the passing of the Bill it was intended that an order should be issued from the office of the commander in chief, allowing each individual to attend that place of worship which he might select. The Irish Catholic had no greater security in Ireland for the enjoyment of his religion, and therefore the proposed clause was unnecessary. For that reason, and for that alone, he should oppose its being introduced.

The clause was supported by sir John Newport, Colonel Bagwell, Mr. W. Smith, Mr. Herbert, Mr. Babington, and Mr. Elliot; and opposed by Mr. Goulburne, Dr. Duigenan, and the Chancellor of the Exchequer; after which it was negatived without a division. The report was then agreed to, and the Bill was ordered to be read a third time on Wednesday.

HOUSE OF COMMONS.

Friday, May 31.

Prince Regent's Message for a Vote of Credit.] The Chancellor of the Exchequer presented the following Message from his royal highness the Prince Regent:

"George, *P. R.*

"The Prince Regent, in the name and on behalf of his Majesty, considering that it may be of very great importance to provide for such emergencies as may arise, and relying on the experienced zeal and affection of the House of Commons, trusts that this House will enable him to take such measures as may be necessary to disappoint or defeat any enterprizes or designs of the enemy, and as the exigency of affairs may require. G. *P. R.*"

Ordered to be referred to the Committee of Supply.

Petition of the Roman Catholics of Cork.] Mr. Hutchinson presented a Petition from the Roman Catholics of the county and city of Cork, whose names are thereunto subscribed, on behalf of themselves and others his Majesty's subjects, professing the Roman Catholic religion in Ireland, setting forth,

"That the Roman Catholics of Ireland, amounting to nearly five millions of his Majesty's subjects, constituting a vast majority of the population of that part of the united kingdom, and contributing largely and liberally to encrease the revenues, and to recruit the fleets and armies of the empire, have long suffered, and do still suffer, from the restraint of laws humiliating in their provisions, and most injurious in their effects; and that their services to the country have been at all times conspicuous and important; at home they have improved and extended the arts, agriculture and manufactures, abroad they have promoted the success and exalted the glory of the British arms, yet are they ignominiously proscribed from all the higher ranks of trust or honour in the state, shut out from the just rewards of a laudable ambition, and degraded below the condition of the meanest of their fellow subjects; the petitioners beg leave to state that they yield to none in loyalty to the King, obedient to the laws, attachment to their country, and in the great duties of morality to their fellow subjects, to whom they are bound by close consanguinity, daily social intercourse, friendship formed in earliest days of childhood, and cemented through the successive stages of life, and from whom they cannot separate their interests, one of the strongest ties on the human mind; under these circumstances, the petitioners most earnestly solicit the attention of the House to the imminent dangers which must result from a system of legislation so oppressive and impolitic, at a time when our mighty enemy has laid prostrate almost every other nation of Europe, rendered incapable of effectual resistance by the discontents and disunion of their people, and when the safety of our own is threatened by the same powerful and implacable foe; and they do beg leave to state, that to restore to the Roman Catholics of Ireland a full and unqualified participation in the benefits of the constitution of their country, and to remove all the restrictions and vexatious distinctions which affect them, is now become a measure absolutely necessary for the preservation of this kingdom from the perils which surround it; and praying the House to take into its most serious consideration the nature, extent and operation of the aforesaid penal laws, and by repealing the same altogether, to restore to the Roman Catholics of Ireland those rights so long withheld, and their due share in that constitution, which they, in common with their fellow subjects of every other, description, contribute, by taxes by arms and by industry, to sustain and defend."

Ordered to lie upon the table.

ROMAN CATHOLIC PETITIONS.] Mr. Grattan moved, That the Petition of his Majesty's Catholic subjects, whose names are thereunto subscribed, as well for themselves as others his Majesty's subjects professing the Catholic faith in Ireland, which was presented upon the 20th day of this instant May, might be read; and the same was read. He also moved, That the Resolutions of the House of the 28th day of March last, giving the Thanks of the House to lieutenant general Thomas Graham and the army under his command, for the brilliant victory obtained on the heights of Barrosa, might be read; and the same were read. He also moved, That the Resolutions of the House of the 26th day of April last, giving the thanks of the House to lieutenant general lord viscount Wellington, and the army in Portugal, might be read: and the same being read:

Mr. *Grattan* again rose and spoke to the following effect: Sir, in desiring that these several votes of the thanks of Parliament should be read, my object was, that this House may be reminded of the grievances, which we are called upon to redress, and that the petitioners may have the benefit of such approbation of the conduct of Catholic soldiers, that the people may enjoy the full advantage of the recorded opinions of this House in favour of their allegiance. We are now going to consider whether it be just or expedient that the existing system of penal laws to which the Catholics are subject, should any longer continue. I call them penal, for what else is the qualifying law? A law inflicting penalties in the most objectionable form, that is, under the disguise of an oath; an oath of the worst kind, by which they are called upon to make God the witness of their disability; to make religion a crime, and perjury a qualification. On this occasion the House is to try a whole nation; to judge a great people, the people of Ireland, and on the testimony published by some of themselves. We have to try them upon separate charges; upon charges against the religion they profess and the political principles upon which they have acted. The testimony against them, I am sorry to say, is that of their countrymen and their fellow-subjects. Upon such evidence the charges against the religion of the Catholics are constantly rested; but the evidence of individuals against a people is not evidence of compatibility to be admitted. That the persons who make the charges, however, might believe them founded in conscience and truth, I will not deny; but I think them prejudiced, and therefore destitute of credibility. In fact, those individuals who make such charges, testify not alone against the Catholics, or the Catholic religion, but against the truth of the Christian religion; because, if their charges be well-founded, they make the great body of Christians worse than idolators; they go to prove that the Messiah has failed; that the Revelation is not of divine origin, but a vain experiment. To adopt such charges would be to say, that the Christian religion is not of divine authority; to abandon ourselves to the heated opinions of vehement writers of vehement times, and to enforce the intolerant doctrines of courts. But the religion of courts is power; the religion of theologians, in all times, bigotry; and the combination of both intolerance.

Against the charges thus urged against the Catholics, we have evidence indisputable; we have the explicit declaration of the six greatest Catholic universities of Europe; the best test of their religion, disclaiming any doctrine incompatible with the strongest attachment to the civil government of every country. The opinions of these universities shewed what was the morality of the Catholic religion, and clearly established the fact of Catholic allegiance. In addition to this, we have our own experience of the fact, as proved and established in the long intercourse that has subsisted between Protestant and Catholic, and the long obedience and submission shewn by the Catholic to your government.

But let us look at the charge in another point of view, and examine upon what ground it rests. The charge, if well founded against the Catholic for disaffection, goes directly to the condemnation of this country, and of the government of this country in Ireland. Ireland has been governed by this country during six hundred years; so that the charge of disaffection goes not to disqualify the people, but to convict the government. If the people are not moral, if they are not perfect in allegiance, the fault is not with them, but in the government under which they have been so long placed. A good government makes a good people. Moralise your laws, and you cannot fail to moralise your people. Depend upon it that the original source of a people's vices is the vice of its government, and that in every instance since the creation of the world, the people have been what their rulers made them.

With respect to the charge of disaffection against the people of Ireland, I must deny it *in toto*; and, in confirmation of this denial, appeal to all those who have ever resided in Ireland. I refer also to the period of 1782; to the friendly intercourse which has since subsisted, and still continues, between the two countries; and to their connection maintained in a spirit of mutual good offices and reciprocal love. In truth, this charge against the allegiance of Ireland is a charge against Christianity itself, and goes to prove that the Christian religion is a calamity; that, in order to establish the British government in Ireland, we must put down the Christian religion. And here I must beg leave to refer to some recorded facts to shew that the penalties of the law are not justified by disaffection; and that, in order to secure the allegiance and tranquillity of that country, we have only to repeal these penal laws.

In the year 1792 about one hundred Protestant dissenters in the north of Ireland rebelled, and that was immediately designated a Catholic revolt. There was one body of the people protected, and another body disqualified, by the laws; and the appearance of discontent was naturally enough referred to the body which was known to have most reason to be dissatisfied. This was your candour—such was your justice, such your truth. If the government keep any class of its subjects in a state of imperfect privilege, it must occasionally find that class in a state of imperfect allegiance. In order then to take away all subject of grievance, we should take away the penal laws, which form the dictum of discontent; and which, if repealed, will insure the allegiance of the subject, and establish the tranquillity of the people.

Another case to which I beg to refer, is that of the civil war or rebellion, or whatever other name you please to give it, in the time of William the third. On that occasion the Catholics opposed William in defence of their liberties civil and religious—liberties, for violating which, the English people had most properly expelled James 2d from the throne. But if James had offered to the English what he offered to the Irish people, would you have called in William and expelled him? If he had proved the conqueror and proposed to you the same conditions, which William imposed upon the Irish nation, would you have accepted them at his hands, and persevered in your submission, without any effort to procure a relaxation of them? If the Irish people submitted at that period with reluctance, would you under similar circumstances have submitted with any other feeling? Whenever sects wage their war of persecution against each other, they will proceed to the last extremes of hostility. Theirs is no ordinary or generous warfare. When one sect takes away, while in possession of power, the civil and religious liberties of another, it must inevitably happen, that that other, when restored to power, will retaliate by a confiscation of property. This is a law of human nature. If one sect prove intolerant, another will confiscate. We have incontestible evidence of this in what took place at the period to which I am alluding. An Act of Attainder was passed against three thousand persons on account of their religion, and it was remarkable that those individuals were all men of property. This was forfeited accordingly to the crown, and parcelled out to its favourites. But what do I infer from this?—nothing against the Catholics or against the Protestants; it was a war of sects. I would recommend therefore to parliament to get rid of the system of persecution at once, and to embrace the system of harmony.

In the reign of Charles 1, forfeiture was a standing branch of the revenue; the claims of the crown respected no charters; it held secret no private rights; it was not restrained by common shame from despoiling the people of Ireland of their property and estates.—On that occasion the government wished the people to embark their properties on the same security with the establishments; the people gave in their title deeds, but the master of the rolls, an officer of the government, omitted to register them; and the government was flagrant and wicked enough to take advantage of the omission, and seize upon the property. Even an impudent subject had the audacity to take upon himself the perfidy of the crown; and to declare to the people, that the charters of Ireland were not valid, and that the king of England was not bound by any law. It was this perfidious act that laid the foundation for the blood and massacre which ensued, and which were only the legitimate offspring of the unprincipled baseness and perfidy of a tyrannical, wicked, and illegal government. But it has been asserted, that after the accession of the House of Hanover, the Catholics of Ireland were not well affected to the government. This I most positively deny. It is no wonder that they should have been considered as dissatisfied: they had been too much injured to be trusted; and it was thence inferred that they could not be well affected to the government, except upon a principle of rare and stoical virtue. You may depend upon it, that not Catholic alone nor Protestant but every Irishman will be affected towards that government according to the manner in which that country shall be governed; and that no dependance is to be placed upon any Irishman, either Catholic or Protestant, unless they are governed upon the same principles as the people of this country. From this therefore, I infer the necessity of repealing the laws for disqualifying the greatest portion of the people of Ireland, and for keeping alive such odious and painful distinctions in that country.

Having said thus much as to the fact, I must beg leave to add a few words with respect to what has been and still is the established principle of the British government in Ireland. That principle is neither more nor less than a principle of disqualification; a government by the law of conquest. It is impossible that any government can be conducted long upon such a principle with wisdom in its administration or with safety to the people. If the people were subject to another power, or connected with another power, or in a state of half allegiance, such a principle of government might be acted upon; but when applied to a population as much the subjects of the British government as the Protestants of Ireland or the people of this country, the principle is wholly, utterly, and absolutely inadmissible. With respect to the general principles of all government, I shall assume certain propositions which I am persuaded no hon. gentleman will venture to deny. I shall assume that no government has a right to make partial laws—that no government has a right to make arbitrary laws, that is to say, laws without reason—that no government has a right to establish an inquisition into the thoughts of men, for every man has a right of perfect dominion over his own thoughts—that no government has the right to punish a man for religion—purely for religion. No government or legislature can arrogate to itself the power to depose God Almighty by forcing upon man any tenets of religion according to a particular creed. I presume it will not be arrogated on the part of the British Legislature, that his Majesty by and with the advice of the Lords spiritual and temporal, &c. can enact, that he will appoint and constitute a new religion for the people of this empire; or, that by an order in council, the consciences and creeds of his subjects may be suspended any more than it will be contended that any authoritative or legislative measure can alter the law of the hypothenuse. Whatever belongs to the authority of God, or to the laws of nature, is necessarily beyond the province and sphere of human institution and government. The Roman Catholic, when you disqualify him on the ground of his religion, may, with great justice, tell you that you are not God, that he cannot mould or fashion his faith by your decrees. You may inflict penalties, and he may suffer them in silence; but if parliament will assume the prerogative of Heaven and enact laws to impose upon the people a particular religion, the people will not obey such laws. If you pass an act to impose a tax or regulate a duty, the people can go to the roll to learn what are the provisions of the law. But whenever you take upon yourselves to legislate for God, though there may be truth in your enactments, you have no authority to enforce them. In such a case the people will not go to the Roll of Parliament, but to the Bible, the Testament of God's will upon earth, to ascertain his law and their duty. When once man goes out of his sphere, and says that he will legislate for God, he in fact makes himself God. But this I do not charge upon the Parliament, because in none of the Penal Acts has the parliament imposed a religious creed. It is not to be traced in the qualification oath, nor in the declaration required.

The qualifying oath, as to the great number of offices, and to seats in parliament, scrupulously evades religious distinctions—a Dissenter of any class may take it—a Deist, an Atheist may likewise take it. The Catholics are alone excepted, and for what reason? Certainly not because the internal character of the Catholic Religion is inherently vicious—not because it necessarily incapacitates those who profess it to make laws for their fellow citizens. If a Deist be fit to sit in parliament, it can hardly be urged that a Christian is unfit. If an Atheist be competent to legislate for his country, surely this privilege cannot be denied to the believer in the divinity of our Saviour. But let me ask you, if you have forgotten what was the faith of your ancestors, or if you are prepared to assert that the men who made your liberties are unfit to make your laws? Or do you forget the tempests by which the dissenting classes of the community were at a former period agitated, or in what manner you fixed the rule of peace over that wild scene of anarchy and commotion? If we attend to the present condition and habits of these classes, do we not find their controversies subsisting in full vigour? and can it be said that their jarring sentiments and clashing interests are productive of any disorder in the state, or that the Methodist himself, in all his noisy familiarity with his Maker, is a dangerous or disloyal subject? Upon what principle can it be argued then that the application of a similar policy would not conciliate the Catholics and promote the general interest of the empire? I can trace the continuance of their incapacities to nothing else than a political combination—a combination that condemns the Catholics not because they are idolators but because they are suspected men. The Catholic is excluded not because his religion is considered as his crime, but because it is looked upon as the evidence of his disloyalty. By this doctrine the religion is not regarded so much an evil in itself as a perpetual token of political disaffection; of eternal opposition to your government. In the spirit of this liberal interpretation you once decreed to take away their arms, and on another occasion ordered all Papists to be removed from London. In the whole subsequent course of administration down to the present time the religion has continued to be esteemed the infallible symptom of a disposition to oppose—of a propensity to rebel. Known or suspected Papists were once the objects of the severest jealousy, and the bitterest enactments. Some of the penal statutes have been repealed, and the jealousy has since somewhat abated, but the same suspicions, although in a less degreé, pervade your councils—your imaginations are still infected with apprehensions of the proneness of the Catholics to maintain a connection not with the religion of their ancestors, but with a foreign power. Is it known, I would ask, that such a connection exists now? The government has made a league with the King of the two Sicilies against France. Has the religion of that Sovereign, who is a Roman Catholic, been considered in that instance as evidence of a connection with the enemy of this country? A similar treaty has been recently entered into with the Prince Regent of Portugal, professing the Roman Catholic religion, and one million granted last year, and two millions this session, for the defence of Portugal; nay even in the treaty with the Prince Regent of Portugal, there is an article, which stipulates that we shall not make peace with France, unless Portugal shall be restored to the House of Braganza; and has the Prince of Baxil's religion been considered evidence of his connection with the enemy? In short, this country has now no ally but a Catholic left. Can we, then, consider the Catholic religion as evidence of a connection with the enemy? Or can we employ the blood and treasure of the Irish Catholic in support of our Catholic allies, and say that their religion is in them an evidence of connection with an enemy against whom they are bravely defending these allies?

Now, if the Catholic religion be no evidence of any connection with the enemy, is the Protestant any proof of attachment to England? Has the government by the statement of dangers to a common religion succeeded in detaching America from all connection with France, or secured her co-operation in a cause which equally menaces both countries? Has the sense of a common religion, and an explanation of the perils that awaited this Protestant country, had any effect in preventing Protestant Prussia from siding with the enemy against us? Did the faith of Denmark prevent the attack on Copenhagen? It is admitted on all sides that the Catholics have demonstrated their allegiance in as strong a manner as the willing expenditure of blood and treasure can evince. And remember that the French go not near so far in their defence of Catholicism as you in your hatred of it in your own subjects, and your reverence for it in your allies. They have not scrupled to pull down the antient fabrics of superstition in the countries subjected to their arms. Upon a review of these facts, I am justified in assuming, that there is nothing inherent in Catholicism to disqualify a nation for making laws; and for a proof I appeal to your ancestors—that there is nothing in it to create a connection with the enemy, and for that I appeal to our allies; and, founded upon these two propositions, I shall maintain a third, that Irish Catholics have the same right as other dissenters to any privileges possessed by any other body of subjects. Undoubtedly the law makes no difference as to the great offices of state or seats in parliament; but I must contend, that whatever rights any other dissenters enjoy, the Catholics are fully entitled to. Those who deny this position are bound to shew that the Catholics are disaffected, or in a state to incapacitate them for the legislative functions.

It may be said, that to repeal the penal laws, would be to endanger the religious establishment in Ireland. I do not believe the church is in any danger, but if it is, I am sure that we are in a wrong way to secure it. If our laws will battle against Providence, there can be no doubt of the issue of the conflict between the ordinances of God and the decrees of man. It is a bad way to support the establishment by disqualification, and the law of conquest. To act upon such a principle, is to act against the laws by which God governs mankind. But the laws of God will triumph, and the policy of man must fail. It would be as fruitless to pray to the Almighty to destroy or eradicate the passions of mankind, in order to make such a system practicable, as to expect by an application by prayer to alter the laws of nature. It would be to call upon God to change the system of Providence, by which he rules the world, in order to subvert the principles and the ends of his own eternal justice. Let us suppose an extreme case, but applicable to the present point. Suppose the Thames were to inundate its banks, and suddenly swelling, enter this House during our deliberations (an event which I greatly deprecate from my private friendship with many members who might happen to be present, and my sense of the great exertions which many of them have made for the public interest), and a motion of adjournment being made should be opposed, and an address to Providence moved, that it would be graciously pleased to turn back the overflow, and direct the waters into another channel. This, it will be said, would be absurd; but consider whether you are acting upon a principle of greater intrinsic wisdom, when, after provoking the resentments, you arm and martialize the ambition of men, under the vain assurance, that Providence will work a miracle in the constitution of human nature, and dispose it to re-pay injustice with affection, oppression with cordial support. This, is, in fact, the true character of your expectations; nothing less than that the Author of the Universe should subvert his laws, to ratify your statutes, and disturb the settled course of nature—to confirm the weak, the wicked expedients of man.

What says the decalogue? Honour thy father. What says the penal law? Take away his estate. Again says the decalogue, Do not steal. The law, on the contrary, proclaims, you may rob a Catholic. In truth, the great error of all your policy towards the Catholics is, that it presupposes, that the original rights of our nature may be violated with impunity, in imagining that a transgression of natural law can be punished only hereafter. But there is an immediate as well as a future retribution, and a remedy provided by natural causes for this obstruction of natural justice. The early effect of the promulgation of the penal code in Ireland, was to confound tyrant and slave, Protestant and Catholic, in one common mass of misery and insignificance. A new law against English Catholics was made in the reign of George 2, and mark the result! When a militia force of 6,000 was wanted, it could not be raised. The duke of Cumberland, son of George the 2nd, would not allow a man to be recruited in Ireland, except perhaps, a weaver from the north could be procured. And what was the consequence? We met our own laws at Fontenoy. The victorious troops of England were stopped in their career of triumph by that Irish brigade which the folly of the penal laws had shut out from the ranks of the British army.

A little attention will be enough to shew us that in the same proportion as we have conceded to the Catholics we have grown strong and powerful by our indulgence, and that we have been the blind instruments of our own misfortunes, and of inflicting judgment on ourselves by refusing justice to our fellow subjects. If it be contended that to support the Church it is expedient to continue these disabilities, I dissent from that opinion. If that could indeed be proved, I should say that you had acted in defiance of all the principles of human justice and freedom, in having taken away their church from the Irish, in order to establish your own, and in afterwards attempting to secure that establishment by disqualifying the people, and compelling them at the same time to pay for its support. This is to fly directly in the face of the plainest canons of the Almighty. For the benefit of eleven hundred beneficed Protestant clergymen, to disqualify four or five millions, is the insolent effort of bigotry, not the benignant precept of Christianity: and all this not for the preservation of their property, for that was secured; but for bigotry, for intolerance, for avarice, for a vile, abominable, illegitimate, and atrocious usurpation. The laws of God cry out against it, the spirit of Christianity cries out against it, the laws of England and the spirit and principles of its constitution cry out against such a system. It may no doubt be said, that, if the Catholics were to be admitted to their rights, it would lead to the overthrow of the existing establishments. But the Catholics were not to be punished for crimes existing only in imagination. The Catholics had sworn to preserve the establishments, and the oaths of the Catholics were better than the imagination of the Protestants. If the question were, whether the Church was to be established by the ruin of the civil liberties of the people of Ireland, I say that you have no right to make the attempt; you will fail in the execution, and the effort would endanger rather than support the establishment. The Church establishment was not intended for the King, because the people were not to be of his religion, but he was to be of the religion of the people. It was not for the court, or for fashionable persons exclusively, but for the people. It was upon this conviction that the kirk had been established in Scotland. If you were to attempt to introduce a church establishment upon any other ground, you could not possibly succeed; you could not call it Christianity: it would be a church of ambition, of avarice, of bigotry, and intolerance; a church baptized in the iniquities of mankind, and wickedly apostatising from God; a church bearing the vices and the policy of man in one hand, and the people and God in the other.

In a political sense, the Irish hold every thing by the same tenure as their fellow-subject in England; the landlord and tenant claim equally by virtue of Act of Settlement. If the government of England chose to say that the church of Ireland is not to be secured by law—by the allegiance of the people—by the coincidence between the people and their liberties, but by the title of right and claim of conquest—If they so chose to blaspheme their title, they must then come to this—they must pause to consider between the laws of God and the policy of man; they must put their own wisdom into one scale, and in the other, to be weighed against it, place the Almighty! For the reasons which I have stated, therefore, and upon all these various considerations, I submit it to the good sense and justice of the House, that such remaining penalties and incapacities, as attach upon the Catholics, shall be removed, that we may unite them with ourselves in a common feeling in a common cause. I freely admit that if there should recur a period when a French pope might occupy the pontifical chair, it would be necessary to guard against the exercise of his influence in the nomination of bishops. This, however, is an additional reason, I conceive, to induce the House to go into a Committee, in which this particular branch of the constitution may be fairly discussed. I shall ever be as earnest as any man in my wishes and exertions to prevent the chaos and horrors of foreign invasion, or foreign domination. It has been asserted, that what the Catholics claim is of little value. This is a poor argument against acceding to it. If one person robbed another, would it be any defence of his honesty to urge that what he had stolen was of little value to the owner? I know there were some, who are for entering into certain stipulations with the Catholics—this is foolish. You can never gain any thing with a people by conditions: it is the silliest thing on earth to think of conciliating men by merchandizing their claims. Many there are, too, I know, who imagine that the Irish Catholic is indifferent as to the fate of these demands. That is, however, not the question—you have no right to ask them whether they desire, but ask yourselves whether it is justice to grant. If you really think them so careless on the subject, all you have established by the argument is this, "We, by our bad government, have so debilitated you, so broken your hearts and debased your spirits, that even liberty has become of no account amongst you!" Will this be a matter of boast to England? But liberty is not to be made the creature of circumstance or condition. England ought to know this. What made her, what inspired, what raised her to such eminence in the world as that on which she now stands, but this inherent spirit of liberty? This spirit, which surely she was never so reduced as not to think worth contesting for. Did Mr. Hampden think so? Was he so senseless? Did he not think that a naked free man was a nobler object than a superb slave?

But there are others who say that the Irish people are too poor, too ignorant, and too senseless to wish for any removal of their disqualifications. By the return made to government, it appears that the expenditure of that country, which was but lately not more than one million, has been 7, 8, and 10 millions. To say that a country which expends 10 millions is too poor for liberty, is false and preposterous. Before the Union, the expenditure of Ireland was 1,600,000*l.* and her debt 3 millions—she had then a free trade and a free constitution. Since that she has gone on increasing in debt and expenditure; she has contributed to England, exclusive of her cattle, her provisions, her men, above 65 millions of money. She is the hundred-handed giant, and holding out to you in every hand a benefit. When you say to her that she is too poor for liberty, you talk in language unknown to England—you do not speak the dialect of the people. Depend upon it when you address Ireland in this Jacobite phrase, you will not argue her out of her wish for liberty, but you will argue England out of her respect for her freedom. When you once sully your lips with this meanness, baseness, and servitude, you will not convey the poison to her, but you will cast a taint upon your own land and your own constitution. You need not gloss over your injustice by the idea, that what you refuse is trifling. The Catholics' have wisely refrained from stating their grievances in this petition. But what they are excluded from is not a bauble—they are excluded from seats in this House—from offices in the bank—from the situation of sheriff—from the best places at the bar—from the highest stations in the army—from any participation in the state—they are deprived of their civil liberties—they are galled by tythes—they are oppressed by their landlords: and what remedy do you offer them? Nothing! You do worse; you set up one set of men in favour of the minister, and another, which are not so favoured, you allow the servant of the crown to abuse. If once you do this, if once you allow the officer of the crown to use ill-manners to the people, from that moment the people are not free, they are oppressed.

It has been said, that the coronation oath militates against the claims of the Catholic, and so operates as a check upon parliament. This supposes the oath immutable as to the magistrate, but changeable as to the people; immutable against alleviating, but changeable in the work of grinding and oppression. But let the House see to what this construction of the coronation oath will lead. Before the Union it had no effect in Ireland; it came in force there after the disqualifying law. Thus, then, the Union incapacitates the first magistrate from doing the people justice, and can be termed nothing else than a most monstrous innovation. But to make religion thus a disqualification, is to declare a doubt of its authenticity. The moment a government finds it necessary to support religion by oppression, that moment it declares it a false religion, a creed not supported by divine force, but necessary to be bolstered up by persecution; it makes it a proclamation of disbelief, a state trick, aided by the King, with an abominable combination of pains and penalties.

It has been said, that the disqualifying oath is a fundamental law of the land. There are, I will allow, laws which are fundamental; liberty is one of the fundamental principles of our nature; and the laws which support these fundamental principles must be fundamental laws. The Declaration of Rights, for example, is a fundamental law; but the laws which deprive the Catholics of their liberty are not fundamental. In this way you would have two sorts of fundamental laws; you would have the laws which support and maintain you in the possession of your own privileges, and the laws which consign the privileges of the Catholics to damnation; as if the liberties of 10,000,000 of men could only be secured by making 4,000,000 the enemy of that 10,000,000. We must always remember that, to endear a constitution to a people, it must not be unjust towards them; and that if a people are interested in a constitution, the more likely is that constitution to be lasting. What are the terms of this oath? It declares that mass is to be held in abhorrence, and that it is an idolatry; that is to say, that all those Catholic nations who have been your allies are idolators;—that the Prince Regent of Portugal, whom you are bound to establish on his throne, is an idolator:—the emperor of Austria is an idolator;—the king of the two Sicilies is an idolator;—that the people of Portugal, to whom you formerly voted one million, and lately two millions, are idolators;—that the Spaniards, your own fellow subjects of Canada, and four-fifths of your fellow subjects of Ireland, are all idolators. Thus the qalification of an English gentleman to serve in parliament is a libel on his allies, and a libel on his fellow subjects. It is not easy indeed in all cases to draw the line of distinction, and say what laws are not fundamental, and what laws are; but here there is no occasion; for here are laws which you yourselves have declared not to be fundamental, but to be provisory. In the Union with Scotland, you expressly say that this is subject to the discretion of parliament, you say, "untill the parliament of the United Kingdom shall otherwise provide." Such is the language on this subject, in the 22d section of the Scotch Union, and the 14th of the Irish Union. These laws, therefore, are only provisory, and not fundamental; you have declared it repeatedly; and you have thus abandoned the great argument against the admissibility of the Catholics. By the Union, the declaration of right did not exclude for ever the Catholics; that declaration which signifies this is subject to a future provision. Who are the parties to these Unions?—The King and the parliaments. What now becomes of the King's coronation oath? When I bring up to your table, then, a Petition, loaded with the multitude of signatures which this on your table contains, let it not be said that the declaration is against them, which the parliament of England and the parliament of Scotland, which the parliament of Britain and the parliament of Ireland have declared to be no part of the fundamental laws of the land. Why was this clause introduced into the Irish Union? It was introduced for the sake of facilitating the Union; it held out to the Catholics a possibility of the removal of their disabilities in the strongest terms; and it made the King a witness that nothing stood in the way of that removal, that it was a subject free to be debated, that there was no coronation oath against it, nor any fundamental law of the land. I appeal to the candour of the House, if this is not a fair construction of the meaning of this clause. I appeal to the common sense and integrity of the nation. I appeal to that old English honour which has, as it were, dove-tailed itself into your constitution. I propose to you a measure which will give you safety, and make your enemies weak. Will you not adopt it? What would you say to a regiment, which in the hour of danger would refuse to march with another, because it happened to be a Catholic regiment? You are exactly in the same situation. The government may tell you, you can wait. Yes, God Almighty may wait, but will the enemy wait? I now tell you, unless you tolerate each other, you must tolerate a conqueror. You will be enslaved and plundered, for confiscation will surely follow in the train of conquest. Thus, your property will go to other hands, and you will be a ruined nation—ruined by your own folly. I know you are a very grave, a very, very wise people; but here on this one point, the very point of your vitality, you are stupid; stripped by bigotry of every sense, and you must certainly at one stroke be crushed. I have often wished that some guardian angel would descend, and raise those sectaries from the plane of this world, above the little Babel of their own dissentions, and shew them the calamities which were approaching; shew them ruin visible; shew them France, or rather hostile Europe, arrayed against them; and then say, "If you join, you may live; but divided, the destruction must be universal."

Amidst all this discussion and dispute about tests, there is one test which has missed the wisdom of the wise, which the politician has not discovered, and which the divine in his heavenly folly has also overlooked, but which has been discovered by the common man, and that is, that you must allow every man to follow his own religion, without restriction and without limitation. Catholicism and allegiance are compatible with one another. The Catholics constitute a great proportion of your armies—a great proportion of your marine force are Catholics—you continue to recruit your forces with Catholics. A statement has been furnished of the proportion between the Protestant and Catholic part of the forces quartered in the Isle of Wight and of the crews of several ships at Portsmouth, and the Catholics were by far the greatest proportion. I do not say that the number of each persuasion amount to exactly what has been there stated; but I say that in a view of our maritime and land forces, the number of Irish Catholics are such as to be enough to turn the scale of empire. They have enabled you to vanquish those French, for a supposed attachment to whom you disqualify the Irish Catholics. The Russian, the Austrian, and the Prussian armies fled before the armies of France. Neither the insensibility of the Russian soldier, nor the skilful evolutions of the Prussian, availed them in the day of battle; they all fled before the French armies; so that with her collected force she gave a final stroke to the liberties of Europe. Whatever remained of the glory of Europe fell at the feet of France. In the last contest with Austria, feats of courage were displayed by the Austrians such as could be equalled by nothing but the courage that conquered them, and yet the armies of Austria were in a short time shattered by the armies of France. And if in another part of the Continent you have been enabled to oppose that nation with more success, to whom was that success principally to be ascribed? It was to the Scotch Presbyterian, a steady and gallant soldier; it was to the Irish Catholic, whom you have incapacitated from honours and rank, and who, while he was exposing to every breeze his garments bathed in the blood of France, was also carrying about him the marks of your disqualification. One regiment, which had lately distinguished itself in a remarkable manner, was raised in Dublin almost entirely of Catholics. Had the gallant officer who raised these men, raised soldiers on the principle on which we admit members of Parliament—had he insisted on their renouncing the Eucharist, and declaring their abhorrence of the Mass, France would have had one eagle the more, and you would have had one regiment the less; but that gallant man, far above the folly of theology, did not stop for the sanction of either priest or parson, but told the soldier to draw his sword for his country.

The question is, therefore, whether Irish Catholics are not as capable of allegiance as the Protestants are, of which one should think there could hardly remain a doubt. And if I can collect at present a general sense in favour of the claims of the Roman Catholics, I shall be of opinion that the country may look to the issue of the present contest without dismay, and that she has such a security within herself, that she may behold the utmost efforts of the enemy with tranquillity. I move you therefore, Sir, That this petition be referred to a Committee of the whole House.

Sir *J. C. Hippisley* rose, he said, thus early, under very disadvantageous circumstances, both as following the eloquent and impressive speech of the right hon. mover of the question, and as preceding a right hon. civilian (Dr. Duigenan) whem he saw prepared, with ponderous documents, to speak to the question, and whom he should have been better pleased to have followed, in the view of resisting his arguments. He felt it, nevertheless, his duty to offer himself thus early in the debate, as he was expressly charged with the interests of a most respectable body of English Catholics, who, it would be recollected, had petitioned the House in the course of the last session of parliament, but had not renewed their petition in the present session.—That petition had been signed by eight of the ancient peers of the realm, by thirteen baronets, and by upwards of eight thousand gentlemen and others, of most ancient and respectable families and of approved loyalty, including five Roman Catholic prelates, and nearly 300 of their clergy.—In the apprehension that some allusion might be made to that petition, he was anxious to state that the body of English Catholics felt a most sincere interest, as well they might, in the success of the present application to parliament in behalf of their fellow subjects of the sister island. Their petition had been ordered to lie on the table in the last session, but the lamented death of the much revered member who had presented it, had at once deprived the petitioners of a most powerful advocate, and himself of an invaluable friend. [Sir J. C. H. then feelingly adverted to the exalted character of Mr. Windham, with a reference to the fine eulogy of lord Falkland, as drawn by lord Clarendon,* and on which the noble historian seemed to have almost exhausted the beauty and opulence of the English language, concluding with the impassioned exclamation of Cornelia, on the death of Pompey:

> "Turpe mori, post te, solo non posse dolore!"]

Sir J. H. then stated that the Committee of English Catholics had recently addressed a noble earl (Grey) and himself, (however unworthily, as the substitute of his lamented friend,) requesting them "to make such use of the petition of the English Roman Catholics as they shall deem most conducive to the general interests of the Roman Catholics of the united kingdom."—With this latitude of delegation and responsibility,—he, as an individual, had declined giving notice of any specific motion to the House,—he felt himself nevertheless perfectly free to originate any motion in the spirit of the petition presented in the last session, and certainly should have considered it his duty to have given a conformable notice, if he could have anticipated a favourable issue: he desired, however, to be considered as offering only the opinion of an individual; he had not consulted any of his friends around him, and upon this occasion he was particularly anxious, that whatever might fall from him in the course of the debate, might be exclusively considered as conveying only his own individual opinions, being fully aware, from some misconstructions which had taken place, of the tender ground upon which he trod in differing, in any respect, from the opinions of his right hon. friend who moved the present question, or in proposing any departure from the line of conduct which his right hon. friend had, on the present occasion, prescribed to himself.

But before he spoke immediately to the question, he thought it his duty to advert to a letter he had received, that morning, from a Roman Catholic clergyman, whose authority was given in some of the latest Dublin newspapers, for the representation, that an artilleryman, at Woolwich, of the name of Tool, had been confined for refusing to attend the service of the established church, and on his demanding a court martial, it had been refused to him, and that he was sent abroad without a trial. Mr. Green, the clergyman in question, expressed great uneasiness at this statement, which he avers that he had never made, though he admits that he did state that the man had been confined on this ground,—that he had been dismissed without any further punishment, and since which he had not heard of him. Of the fact that great abuses had subsisted, and did still subsist, with respect to this sort of coercion, Sir J. H. said he could adduce abundant proof, but he should at present not go into that species of grievance, but reserve his observations for the discussion of the Militia Interchange Bill.

Adverting more immediately to the motion before the House, he did not conceive that his right hon. friend had the remotest expectation of carrying it this night, however he might be satisfied that the discussion of it would contribute to render, as those discussions ever had rendered, when conducted with temper, much service to the cause of the petitioners. But, without adverting to the peculiar crisis, in reference to the provisional government of the country, which, he must be aware, was not suited to produce an immediate departure from deep rooted systems; he would only beg to remind his right hon. friend of the ceaseless efforts, and untoward circumstances, which operated to prejudice the cause of the petitioners at the present hour. That their old opponents should persevere in their attacks was not to be wondered at, but, he regretted to say, the greater evil arose from circumstances immediately connected with individuals of their own body. Of the first class, he must necessarily refer to the prominent efforts of the right hon. civilian (Dr. Duigenan) on the opposite side of the House. It would be inconsistent with the order of debate, to refer to his speeches at an anterior period, further than as he had himself given them to the public through the press:—in reiterated publications he had told the public that the "Romanists were from conscience, traitors to their country."—Opinions not more favourable to the views of the petitioners, had been also maintained with mistaken zeal, and as he had heretofore mentioned, were industriously circulated, through the press, by eminent prelates of the establishment. By one right reverend divine the tenets of the Roman Catholics are held to involve the crime of idolatry, sacrilege, and blasphemy.—By another prelate, that their church arrogates to itself supreme dominion over kings:—that they openly profess that no faith is to be held with those of a different communion: and further, that they should be considered and dreaded as the enemies of all laws human and divine, and as such excluded, or driven, from the senate and the army: "A curiâ et militiâ arcere necesse est:*" are the words of this right reverend divine!

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* "If the celebrating the memory of eminent and extraordinary persons, and transmitting their great virtues for the imitation of posterity, be one of the principal ends and duties of history, it is not to be thought impertinent, in this place, "(says lord Clarendon),"to remember a loss, which no time will suffer to be forgotten, and no success or good fortune could repair. In this unhappy battle was slain the lord viscount Falkland; a person of such prodigious parts, learning and knowledge,—of that inimitable sweetness and delight in conversation,—of so flowing and obliging a humanity and goodness to mankind,—and of that primitive simplicity and integrity of life, that if there were no other brand upon this odious and accursed civil war, than that single loss, it must be infamous and execrable to all posterity!"—Lord Clarendon occupies many pages of his History in his eulogy of this exalted character, and the friends of a no less valued individual will readily advert to the corresponding traits of excellence. Lord Clarendon's History, vol. 1.

A third right reverend prelate, in a Charge to his clergy, published since the last debate on this question, and entitled "The Petition of the Roman Catholics Considered," admits, indeed, the moral and civil integrity of Catholics; but "that their political integrity is unimpaired, we cannot (says he) so unreservedly and unexceptionably grant." In this declaration his lordship however is at issue with the repeated statutes of his present Majesty, which recognise them as "good and loyal subjects."

His lordship seems to think it also to be no hardship that the Catholic military should be obliged to attend the established service, provided they are permitted "likewise to attend their own chapels." And he expresses much surprise at "the querulous language" of Catholics, in expressing disgust at being obliged to legalize their marriages at the altars of the Established Church;—although the Jew and the Quaker are exempted from a similar violence to their feelings, by the same act which inforces this necessity upon the Catholic.*—These observations of this distinguished prelate are the more extraordinary, as he has noted in the same charge, the penal injunctions of the church of Rome, in the most express terms, against any attendance at the religious service of another communion. His lordship concludes his charge with a recapitulation of various Catholic plots and massacres, through a succession of centuries, terminating with the Irish rebellion of 1798, taking his statements on the authority of the learned civilian (Dr. Duigenan), in preference to that of Mr. Pitt, which expressly contradicts them.

Sir J. H. observed, that he could not but notice also a recent voluminous publication under the assumed name of Philagatharches, dedicated to lord Sidmouth (though probably without his lordship's permission,) which gravely tells us, that the Deist and the Turk may be credited on their oaths, but the Atheist and the Catholic are not entitled to the same indulgence!

That opinions as decidedly in favour of the political as well as the moral and civil principles of our Catholic fellow-subjects, as those recited, are opposed to them, have been repeatedly avowed by other right reverend prelates of the present day, both in Parliament and in their diocesan charges, is well known, but that the adverse opinions, having been widely spread, must necessarily have considerable influence upon the minds of many well disposed persons, can scarcely be doubted: nor can we fail to recollect that those adverse opinions are of the earliest growth, and with difficulty eradicated.

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* Concio apud Synodum Cantuar. æde Paulina habita—1807.

* When the Marriage Act passed, the difficulty (as avowed by the minister), of legalizing the marriage of Catholics by a Catholic priest, arose from the high penal statutes then in force against the Roman Catholic clergy, and who consequently had no legitimated existence within the realm.

Sir J. H. observed, that his object in thus referring to the hostile opinions of individuals of the highest order of the clergy, which had been so solemnly urged, both in diocesan charges, and from the pulpit—(and one of them, and indeed the most unqualified in deprecating the presumed imminent dangers which threatened the state from the admission of Catholics to civil or military stations, had been delivered before the provincial synod of Canterbury, and published, *jussu reverendissimi)*, was in support of his own opinion, that his right hon. friend could not look forward with any confidence, to a successful issue of his motion at the present hour. If it be contended that the Catholic population constitutes a fourth or fifth part of the United Kingdom, the concession obviously goes to the admission that three-fourths or four-fifths of its population are not professing the Catholic communion, and the far greater part of that great majority most probably influenced by the honest prejudices of early education, and not a little confirmed by the zealous and unquestionably well-intentioned efforts of the great mass of their spiritual guides, acting under a similar influence.

It was from a persuasion of this truth, sir J. H. said, that he should have been disposed to have taken a wider course, if he had been the mover of the question. He was well aware that the standing order of the House required that any motion connected with religion, must be referred to a Committee of the whole House, but he should have stated that it was not his intention to originate any immediate Bill in consequence of this preliminary motion being conceded, but that he should have proposed going into a Committee of the House merely *pro formâ*, in order to move for the appointment of a Select Committee, in the usual forms, with power to send for persons, papers, and records, and to report such facts as might constitute the ground work of further proceedings.

Upon such a Committee he would wish to see appointed the King's law officers, civilians, and common lawyers of eminence, as well as other members of the House, who should be deemed most competent to enter upon the examination of that description of evidence which might be usefully produced. And also in another place, he should hope to see a similar Committee constituted, with the assistance of the prelates of the establishment, who necessarily ought to take a material part in such an investigation.

He should have moved as an instruction to such a Committee, that they should examine and report the state of the existing statutes as bearing on the Roman Catholics of the United Kingdom: those framed in the days of our Catholic ancestors, which are still to be ranked among the most salutary, and wisely framed, as applying checks to foreign encroachment: and those subsequent to the Reformation, of which that of the 13th of Eliz. cap. 2, is the most prominent, offering, as he had more than once observed in the House, a formidable barrier against encroachment, but of impracticable application from its unqualified and sanguinary tendency, and indeed wholly inconsistent with the letter and spirit of the Act of the 31st of his present Majesty, inasmuch as recourse to the see of Rome is, in certain cases, indispensably essential to the practice of the Roman Catholic religion.

In a select Committee the numerous recorded declarations of Roman Catholics, clergy and others, avowing the integrity of their civil principles, might be satisfactorily examined with a reference to those canons of general and provincial councils, which have been so often adverted to, and so differently construed; and it is impossible to discuss this question adequately, much less to legislate upon it, without such a reference. Those declarations of principles have been made and presented to government, by the Catholics of Great Britain and Ireland, at various periods, from the date of the Reformation to the present day. Catholics contend, that their demeanour, as Catholics, have been uniformly consistent with those declarations, but they protest against the inferences drawn from the mistaken conduct of individuals who may have been perverted from their duty and allegiance.

The better to substantiate the conclusions to be drawn from such documents, the evidence of prelates and other clergy of the Roman Catholic communion,—of those immediately exercising the functions of vicars apostolic within the realm, as well as of other eminent prelates of different Catholic states, at present residing in this country, might be easily resorted to,—

and this seems to be the more expedient, at the present moment, when the last petition to parliament of the English Roman Catholics, founded on a solemn resolution of a meeting of the principal Roman Catholic nobility, gentry, clergy and others, including five English prelates, declaratory of their assent to "any arrangement founded on the basis of mutual satisfaction and security,"[4] has been dissented from by one of the English Roman Catholic prelates, and that dissent and opposition been qualified by a synod of the Roman Catholic prelates of Ireland, with the terms of "Apostolical firmness," and "a faithful discharge of duty." And further, as the same dissenting prelate has averred, that those prelates who actually signed this resolution, so reprobated by himself and the Roman Catholic bishops of Ireland, have actually abandoned their own opinions, thus solemnly attested, and that there is now an uniformity of sentiment existing among the whole body of Roman Catholic clergy, on this head, opposed to their previous declaration. If this assertion be true, unquestionably but little reliance ought to be placed on such declarations,—it is fair, however, to state that this change of opinion is not admitted by the subscribing Roman Catholic prelates of England, who all deprecate the injurious tendency of such assertions, both as respecting themselves and the public.

The memorable transaction of the questions put to six universities on the continent, at the instance of Mr. Pitt in 1788, with their answers, pointedly recognizing the integrity of the social, civil, and political principles of Catholics, in relation to a Protestant state, would also become a most important subject of enquiry, as respecting the authority by which they are substantiated;—but in reference to the particulars of this transaction sir J. H. said, he would speak further before he sat down. Questions of the same nature had been submitted to the universities on the continent, at different periods, since the Reformation; their answers were found to be uniform as to the subject of civil and political duties, and they would form a useful and satisfactory head of enquiry.

In such a Committee—the important and essential distinction between canons of faith, and regulations of discipline, might also be satisfactorily discussed;—practically constituting as it does the key-stone of the arch which supports the integrity of Catholic allegiance in a Protestant state.

Sir J. H. then went into considerable details of observation on the obligatory operation of such canons, and their supposed influence on the civil constitution of a state; he could well anticipate much that would fall from the right hon. civilian, on the opposite side of the House, on this head of general councils and papal rescripts, especially in reference to his favourite theme of the fourth Lateran Council. But again he must observe that decrees of discipline are of a temporary nature, and generally to be received or rejected, at the discretion of a national clergy, and that neither the dispensing doctrine, as to oaths of allegiance, nor the deposing doctrine, which naturally springs out of it, were ever declared by any general council, as a canon or decree of faith: but the contrary has been maintained by œcumenical councils,—by provincial synods,—by the faculties of theology in the universities of the continent,—and by the rescripts of Popes.—That some individual pontiffs, from the time of Gregory 7, to Pius 5, have been prone to assert such a power, is also admitted,—but such opinions have no pretension to infallibility in the estimation of Catholics, nor can it be proved, that in any state, such a proposition was ever, for a moment, seriously entertained by any Catholic body. The contrary, indeed, was sufficiently proved by the history of our own country, when Catholic, and since the reformation,—and by the history of every other state in Europe.—It was not material therefore, to shew that the objectionable canon of the fourth Lateran Council was of spurious origin, which some of the most accredited Catholic writers of the last century admitted, and which has since been maintained by the Catholic Bishop Hay, Father O'Leary, and others of the present day; at any rate it was an antiquated transaction of the twelfth century, and applicable to no existing state or condition of the present age.—"We are in a new world," (as it was observed by the latter writer), "raised on the ruins of the former, and if hitherto we could not agree as Christians, it was high time to live together as men."—So in the Council of Trent, the last œcumenical council, the abstract doctrines of faith were enjoined on pain of anathema, —but the practical decree of confiscation of the land, to pious uses, on which a duel shall be fought, however laudable the motive, is rejected by every Catholic state as wholly out of the province of legitimate enactment by any council; and though supported, in that council, by the representatives of sovereign princes, who assisted at the constitution of the decrees, "no Catholic," as was well observed by a Catholic writer, "could assent to such a verdict."

With this rapid sketch of objects, which might well fall within the investigation of such a Committee, it cannot but be anticipated that a Report of a Select Committee, with the facts and documents verified, as they might be, and going forth to the public under parliamentary authority, would contribute to a much more satisfactory result, than any discussion that could take place in a Committee of the whole House. The authorities in the one case, would direct the pursuit to still further investigation, if deemed necessary, and afford the clues of research.—In the other case, in a Committee of the whole House, assertion would be repelled merely by counter assertion, probably on very unsubstantial grounds, and but little contributing to a change of opinion on either side of the House, or without its walls.

If the conduct of a governor of a distant province was arraigned on a simple motion in the House,—a public board to be reformed, and even in the case of a canal or turnpike bill,—report upon report, in innumerable folios, swelled the Journals of the House—printed at an enormous expence, and becoming waste paper in almost the hour of their birth.—In questions involving the integrity of the civil and political principles of a fourth, or fifth part of our fellow subjects, arraigned, as they have been, by proceedings in this House, at successive periods, since the reformation, we have not a single page, on parliamentary authority, excepting the proceedings, supported chiefly by the evidence of those miscreants, Oates and Bedloe, which are indeed shamefully sanctioned by the *imprimatur* of parliament—industriously circulated through the nation, in the awful interval of the conviction and execution of lord Stafford, still further to poison the public mind, and contributing not a little, even at this hour, to countenance and give energy to the prejudices of the great mass of the public.—Indeed within the course of the last year or two, they have been re-edited and given to the public,—in opposition to the pointed and well verified exclamation of the satirist,—speaking of the Monument of London, which,

Like a tall Bully, lifts its head and lies.*

The production of documents and examinations in such a Committee, as had been suggested, sir J. H. observed, might be followed by resolutions of fact, directing the attention of the public to the material points and bearings, and constituting the most satisfactory authority on which a Bill might hereafter be framed commensurate to the real exigency and justice of the case.—The adoption, qualification, or even rejection of the claims of the petitioners would thus derive a sanction not to be found in the loose discussions of successive parliamentary debates, whether in the House itself, or in a Committee of the whole House.—It should seem that the expedient was too rational to be questioned by any but those who were determined to resist enquiry in any shape whatever.†

The result of such an enquiry must also necessarily lead ultimately to a modification, at least, of the Tests, exacted from members sitting in either House of Parliament, and revolting, indeed, against the candid judgment of every one, who has allowed his mind the fair exercise of enquiry, in the misapplication of stigmatizing and unappropriate epithets to practices innocent, at least, though not sanctioned by the establishment.—Such a reform is indeed wisely held out by an express provision of the Act of Union with Ireland, and it was to be hoped that the good sense of parliament would not much longer refrain from the adoption of it.

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* Although this calumny has been rejected by every modern historian, a form of Prayer and a Church service, perpetuating by construction, the same unfounded charges, is annually read at St. Paul's Cathedral, though discontinued in all other churches.

† In the instance of the projected general Highway Bill, in its progress through parliament, many successive reports were printed by the House, in order to be circulated, with the Bill itself, through the country. Those reports, with the evidence, were transmitted to the provincial magistrates, in sessions or individually, with a view to inform the public, in the distant parts of the kingdom, of the nature of the proposed amendments:—a precedent of highly useful adoption, as connected with the present question, on which the opinions of the great mass of the people should be considered with considerable deference, especially on a question involving a departure from the long established policy of the constitution. Where the policy has been founded in error, that error should be satisfactorily manifested.

Sir J. H. then proceeded to acquit that part of the task which he had undertaken, in conformity to the wishes of the respectable body to which he had before alluded, namely, the noblemen and gentlemen composing the Committee of the English Roman Catholics.

Sir J. H. observed, that in a recent publication of the right hon. civilian (Dr. D.), he has been pleased to consider the authenticity of the answers of the six foreign universities to the questions proposed at the desire of Mr. Pitt, as resting solely "on the authority of a Roman Catholic priest of the name of Hussey."—Had the fact even been such as stated, the individual was not quite so obscure as the terms chosen by the right hon. author might convey an impression of. Dr. Hussey had been confidentially employed by lord North, when at the head of the administration (in the persuasion of his possessing great influence at the court of Madrid) in the year 1780, on a secret mission to Spain, to endeavour to effectuate a separate peace. On the establishment of the college of Maynooth, he was nominated to the Presidency chiefly by the influence of the duke of Portland, then one of his Majesty's ministers, and by the same protection was materially aided in his recommendation to the Roman Catholic See of Waterford.—The fact, however, is, that Dr. Hussey was not at all engaged in the transaction of obtaining the answers of the universities, though he was shortly after selected for a very important mission to the See of Rome, which would be presently taken notice of.

The transaction, as relates to the universities, fortunately stands on a broader basis than the right hon. civilian is disposed to concede.—In the year 1788, it is well known, that a Committee of Roman Catholic noblemen and gentlemen, of great consideration, were assembled (many individuals of which are still assembled, from time to time), in London, and were, at that period, in correspondence with Mr. Pitt on the subject of those measures which were preparatory to the act of 1791. Of that Committee—the late lord Petre, lord Stourton, sir H. C. Englefield, sir W. Jerningham, and sir John Throckmorton, with other Catholic gentlemen, of high respectability, were members.—On the 9th of May 1788, lord Petre, sir H. C. Englefield, and Mr. Fermor, reported the result of their conference with Mr. Pitt, expressing the willingness of that minister to patronize their application to parliament, but recommending a delay till the following session, "which would allow time (Mr. Pitt observed) to government for preparing the minds of some of the leading interests in the country previous to bringing on a measure of so much importance."

In the interval, before the bill was brought into parliament—the questions, at Mr. Pitt's desire, were proposed to the six Universities, and the answers were obtained and transmitted to Mr. Pitt by the committee. Those of the Sorbonne were expedited by Mr. Hurst, a Catholic priest, residing at that time in Paris.—Those of Douay by Dr. Gibson and Dr. Poynter, two Roman Catholic prelates now in England, whose formal attestations, sir J. C. Hippisley said, he then held in his hand; the abbé Mann, of Bruxelles, procured the answers of the university of Louvaine; and those of Valladolid, Alcala, and Salamanca, were transmitted by Mr. Shepherd, the president of the English college in Valladolid.

But on examination of the original documents they will be found to contain so much internal evidence of their authenticity, that they would not be questioned in any court of law in the kingdom—they were verified (as the right hon. gent, might see) under the official seals of the universities—by the seals and signatures of the principal officers of those universities, and further juridically attested by notaries public, on, the spot. With respect to those of Valladolid, Alcala, and Salamanca, as the questions were considered, in Spain, as touching possibly on the general rights of sovereignty, it was thought advisable not to propound them to the universities without the express permission of the king of Spain.—The royal licence was accordingly procured, and the king desired that the questions might be considered as proposed by himself, as the title imports, "*Hispaniarum Rege consulenti.*"

Sir J. H. then observed that he held in his hand the originals of the answers of the six Universities, and it was the desire of the surviving members of the original committee, and of the learned gent., Mr. Charles Butler (whose important services to the committee, were gratefully acknowledged), that this authentic document should be produced by sir J. H., in parliament, previously to being deposited in the library of the British Museum. [Sir J. H. handed the original documents across the House to the Chancellor of the Exchequer.] He had in his hand also the verifications of lord Stourton, sir Henry Englefield, and sir J. Throckmorton, each signed in sir J. H.'s presence, attesting the communication with Mr. Pitt, as stated, and other proceedings of the Committee, and also a circumstantial letter from Mr. Butler to the same effect.

Another memorable transaction, as connected with that Committee, must not be passed over in silence. Some differences of opinion had obtained among the English Catholic body, which they were desirous to represent to the See of Rome, and it was in contemplation to send Dr. Hussey thither to state the facts:—His instructions were drawn out and delivered to him the 2d of Sept. 1790, though the mission did not take place.

Dr. Hussey's acknowledgment of the receipt of his instructions, and also the original instructions under the signatures of the Committee and two Roman Catholic bishops, are now in the possession of the Committee. Dr. H. was directed "to keep steadily in view the necessity the English Catholics were under of vindicating the integrity of their principles, repelling the slanderous charges uniformly brought against them for two centuries past: and for removing those penal and disabling statutes which have been gradually undermining their body."

He was also directed to represent to the see of Rome, if necessary, "that the oath of allegiance and abjuration had been unequivocally taken in 1778,—and of course the deposing doctrine having been solemnly renounced and abjured, they could not hesitate to adopt the qualifying terms, especially as the Sorbonne in 1680, and again in 1775, had informed them that they might safely declare it impious and heretical."

The Committee were desirous that the See of Rome should understand the principles of their allegiance, as exclusive of any Catholic pretender to the crown; and therefore gave it in instruction: "That if any question should be raised about the Act of Settlement, and limiting the succession of the Crown to the Protestant line: Dr. Hussey will not permit that subject to be discussed, because we acknowledge no authority to interfere with the succession of our kings, but the law of the land, the authority of which law we have already solemnly acknowledged by our oath of allegiance."

The original entries of the proceedings of the Committee were in the hands of Mr. Butler, and with whom sir J. H. said he had himself carefully examined them, and though again naming that gentleman,—he thought it scarcely necessary to pronounce his eulogy in the presence of so many of his professional friends,—who had long known and esteemed his high character in the profession and as a man. Nevertheless the name and character of Mr. Butler, had been most wantonly and injuriously held out to the public in a recent publication of Dr. Milner, entitled "A Letter to a Roman Catholic Prelate of Ireland."

The right honourable Civilian (Dr. Duigenan,) would not be displeased at sir J. H.'s animadversions on the conduct of Dr. Milner, whom, on a former occasion, he had defended, and he should be still as ready to defend him when injuriously attacked, as he had then been by the right honourable civilian himself, on the subject of a work of the soundest argument, and which was calculated to appease as much as Dr. M.'s late productions tended to inflame, the prejudices of the public, as applicable to this great question of sound national wisdom and policy.

Sir J. proceeded to remark more particularly on the late publication of Dr. Milner, as contrasted to his former declarations on the subject of the Veto,—referring to his correspondence with cardinal Borgia, when at the head of the college of *Propaganda fide*, who had expressly admitted, as Dr. M. had avowed, the principle of the negative interference of the crown. Sir J. H. referred also to his own communications on the same subject, as he had before stated in the debate of last year, on the same question. The principle of the royal negative had been universally acted upon, in every state on the continent, where the actual nomination of the sovereign was not in practice. It had been said that there were no instances were the sovereigns of states, not Catholic, interfered in the appointments of the Prelacy, or other clergy of the Roman church, in their respective dominions; except where great temporal fiefs passed with this appointment; the assertion was untrue. In Russia, where the Catholic prelates were expressly nominated by the sovereign, the coadjutor bishops, who respectively succeeded to the bishoprics, derived no support, but from salaries from the crown.

But on this part of the subject he would remind the House of what had been before stated in the debate of last year, and of the documents, which, in consequence, had been laid before the public.*—The principle of the interference of the crown, in a wider extent than it could be desirable to exercise it, it was well known had been fully admitted by the four Roman Catholic metropolitan and six senior Irish bishops in the year 1799. "It was just (say they), and ought to be agreed to." In the resolution of the synod in Dublin, in 1808, they declared only that it was then "inexpedient to introduce any alteration." That inexpediency was explained by their Primate, archbishop Reilly, to have related only to "existing circumstances, and of a "temporary nature."

In 1810, the Irish Catholic bishops again met in synod, and declared their firm adherence to their resolutions of 1808. Still there is no condemnation of the principle of their resolutions of 1799, admitting the interference of the crown,—but a decided reprobation is expressed of the measure proposed by some of the Roman Catholic body—that of elections by Chapters alone.

To these latter resolutions, appeared twenty-six signatures, of which twenty-one were bishops of Irish Catholic Sees; but of the six bishops of the province of Connaught the name of only one appeared to these resolutions of 1810.

Of those who signed the resolutions in 1799, the name of the late Catholic Archbishop of Tuam is only wanted to those of 1810. The names of three coadjutors also appear to the latter resolutions, together with the name of the Vicar Capitular of Tuam, Dr. Kelly, although he stands suspended by all the bishops of the province of Connaught, and the name of the Warden of Galway (who has also episcopal jurisdiction), is also affixed to them.

Of the singular constitution of the Wardinate of Galway sir J. H. would say a few words. By a constitution of Gregory VIII. 1434, the parochial church of St. Nicholas, with some neighbouring parishes, was placed under a warden and eight vicars, the warden to be elected by the mayor, sheriffs, and burgesses of Galway, and to receive institution from the eight vicars.—The vicars elected in the same manner to be confirmed by the warden.—By a regulation of Clement XII. some time between 1730 and 1740, the archbishop of Tuam is invested with a visitorial power, and an appeal is given from the sentence of the warden to the tribunal of the archbishop, but the election is left in the same state.—The warden to be elected once in three years. Here, then, is an instance of an election conferring episcopal jurisdiction, devolving on and continuing in the hands of lay patrons and Protestants, for such must have been the corporation of Galway in the time of Clement XII.

In the last resolutions of 26th February, 1810, the prelates declare "that the oath of "allegiance, as taken by his majesty's Irish "Roman Catholic subjects, was approved "by all the Roman Catholic bishops in "Ireland, after long and conscientious dis"cussion and consultation had with several "Catholic universities and individual au"thorities throughout Europe." By the said oath of 1793 they swear, "that they "will not exercise any privilege to which "they may become entitled, to disturb "and weaken the Protestant religion and "Protestant government of the kingdom." Sir J. H. adverted to these facts, as Dr. Milner himself, a prelate of the Roman Catholic Church, in his late publications, condemns the Resolutions of the English Catholics, as tending to the security of the Established Church, and "blesses God for the discovery that the parliamentary friends of the Catholics had the security of this part of their establishment in view."—Here, sir J. H. again observed, was a point of the highest importance for examination in a select committee; to ascertain how far the opinions of Dr. Milner,—himself being one of the four vicars apostolic, were countenanced by his brethren of the episcopal order especially:—so also would be the examination of the principles inculcated in the class-books of the students destined for holy orders in the various seminaries of the Brish empire,—those of Maynooth, of Old-Hall, of Stonyhurst, of Ushaw, of Ampleforth, &c. He could himself aver, from the most correct information, that the civil and political principles of Catholics inculcated at each of those several seminaries, were conformable to the class book of the professor de la

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* See Vol. 17, p. 31.

Hogue, as taught at Maynooth.—The opinions of the magistracy of the corporation of Liverpool, and of the principal beneficed ministers of the Established Church in the same town, are sufficiently expressed upon this subject, by their liberal contributions to the Catholic seminary of Ampleforth;—a fact too much to the credit of those liberal-minded men, to be passed by, unnoticed, at a moment when we see the miserable policy of attempting to repress the salutary effects of those institutions, tending as they do to rescue the instruction of so large a proportion of our fellow-subjects from the influence of a foreign education, to which they are at this moment invited by the lures of the common enemy, and which, for the last two centuries and more, has been a standing opprobrium on the policy of our government.

Sir J. H. on the authority of three of the four Roman Catholic Vicars Apostolic, Drs. Douglas, Gibson, and Collingridge, contradicted a report that they had been offered, or had solicited, salaries of 500*l.* each from the crown. They conceived that such a report had been circulated to impose a belief that their acquiescence in the Resolution at the St. Albans, of the 1st of Feb. 1810, had been influenced by such a temptation. They had distinctly avowed, that no offer whatever on the part of government, nor solicitations on their part, had been made. He had no authority to speak to the subject from Dr. Milner, who had himself made some declarations on the subject in one of the public prints.

Sir J. H. in adverting to the apprehensions expressed of the admission of Roman Catholics to seats in the legislature, observed that they had sat during four reigns since the reformation: but if danger was really to be apprehended from a preponderance in point of number of such members, which cannot possibly be within any rational speculation, nevertheless, to remove the impression of such apprehensions in the most timid minds, however unsupported by any calculation founded on the existing state of population or influence, the proportion of Catholics sitting in parliament might possibly be regulated with a reference to the comparative Protestant population of the united kingdom. This was merely thrown out as a momentary impression; but the regulation of the several treaties of the empire, from that of Passau to the peace of Westphalia, would offer abundant precedents of such arrangements*.

Sir J. H. said that he was himself the last to feel distrust of the civil principles of his Catholic fellow-subjects; yet if a Bill came into parliament, he should at least wish not to leave it open to the will of a sovereign (as little as it was probable that it ever would be exercised) to appoint a Chancellor of the Roman Catholic communion. The office of chancellor must be considered, in some respects, as an ecclesiastical office; he is, in contemplation of law, the keeper of the king's conscience, the dispenser of ecclesiastical benefices, and the visitor of the colleges of royal foundation. It was not sufficient to say that a Protestant sovereign would not appoint a Catholic chancellor; the law should declare, that such could not be appointed. If the Catholic conceived it to be a hard restriction on the subject, he should consider, that the restriction on the first estate itself, is relatively harder: the King must conform to the established religion of the State, or he must forfeit his birth-right.†

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* The most material points of all that were regulated by these treaties, were the civil and religious rights of the States that compose the empire. The peace of Westphalia was considered as a fundamental law of the empire, and with great propriety might be stated the Magna Charta of Germany. The Transaction of Passau, as it is denominated, and the Peace of Religion, were anterior to it. In these treaties all the regulations and the relative proportion of Catholics and Protestants sitting in the Diet of the Empire, the Aulic Council, &c. &c. will be found.—So of the regulation of chapters, where an alternate succession prevails, as in Osnaburgh, of a Protestant and Catholic Prince.—Vide also Schiam's "Institutiones Juris Eccl."

† It might become a question, whether regulations should not be provided, in the contemplation of such a bill being introduced, with respect to municipal corporations. In cities and corporate towns, a church is usually set apart for the assembly of the corporation without relation to the particular parish of which the chief magistrate is an inhabitant. It is known that many dissenters from the establishment, so far conform as to attend the established service during their mayoralty, but this should be left to their discretion. The

Sir J. H. after many other observations and details of facts, concluded by declaring his opinion to be in favour of the motion of his right hon. friend, though he could have wished that it had extended to a notification of such a Committee as he had himself alluded to. No member of the House was more zealously attached to the constitution, both in church and state, than himself. He wished, nevertheless, to give a free currency to the investigation, and to see a great fabric of national strength, raised on the extension of antiquated prejudices. Union, he was persuaded was within our reach: uniformity was a hopeless pursuit, and, indeed unattainable.*

Mr. *Herbert* of Kerry, stated that it had been his lot to spend about one half of his life in Ireland, and the other in England, and he was consequently well acquainted with the dispositions of the people of both countries. On that account he requested permission to trouble the House with a few words: though representing as he did so considerable a portion of the Irish Catholics, he could hardly at any rate have been contented with giving a silent vote. He believed that the utmost harmony and union of sentiment might be produced between the people of Great Britain and Ireland, if the proper means were used for that purpose. He was convinced that when the odious distinctions in point of civil rights between Protestant and Catholic were done away, every one would be amazed how they had

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corporation itself, in the eye of the law, must be of the religion of the State—an individual member of it might be of a different communion.—The insignia of magistracy, with the necessary attendant officers of the corporation, cannot, decorously be paraded on one day to the established Church, on another to a dissenting Meeting House, and on another to a Roman Catholic chapel; the feelings and honest prejudices of the people would be ill consulted in such a diversity, and the respectable classes of the old Protestant Dissenters from the establishment, as well as our Roman Catholic fellow subjects, could little wish for a latitude which would leave it open to the caprice of a fanatic, professing the most distorted notions of religious worship, to dishonour the magistracy in the eyes of the people.

* A reference to the great Publicists, Grotius, Puffendorf, Wolfius, &c. &c. would produce an interesting commentary on the state of this important question. The following extracts from the 12th chapel of Vattel will encourage the reader to look further. But he should carry with him those great leading distinctions between the essential obligations of doctrine and discipline, as applying to Catholic tenets and regulations, which Vattel himself had not sufficiently in contemplation when he wrote this memorable chapter on piety and religion.

Extracts from the 12th chapter of Vattel's Law of Nations.

Of Piety and Religion.

"Man is essentially and necessarily free to make use of his own choice in matters of religion. His belief is not to be commanded; and what kind of worship must that be, which is produced by force."

"It must then be concluded, that liberty of conscience is a natural and inviolable right. It is a disgrace to human nature, that a truth of this nature should want to be proved."

"But we should take care not to extend this liberty beyond its just bounds. A citizen has only the right of never being obliged to do any thing in religious affairs, and not that of doing outwardly whatever he pleases, though it may proceed from his regard to society. The establishment of religion by the laws, and its public exercise, are matters of state, and are necessarily under the jurisdiction of the public authority."

"The prodigious influence of religion on the welfare and tranquillity of the society invincibly prove, that the conductor of the state ought to have the inspection of what relates to it, and an authority over the ministers who teach it. The end of society and of the civil government necessarily requires, that he who has the authority should be invested with all the rights, without which he could not exercise it in a manner most advantageous to the state. These are the prerogatives of Majesty, of which no sovereign can divest himself, without the express consent of the nation. The inspection of the affairs of religion, and the authority over its ministers, then form one of the most important of his prerogatives, since without this power the sovereign would never be able to prevent the disturbances that religion might occasion in the state, nor apply that powerful spring to the welfare and safety of society."

been permitted to subsist so long. They were two sects—he could not call them different religious communities. The tenets of both were much more nearly allied than many imagined. Confession and absolution formed part of the Church of England creed as well as of the Catholic, and in several other essential points they were not far asunder. He himself was a Christian of the Church of England. If that Church was exposed to danger, it was not from the Catholics so much as from other quarters; and he thought it would be good policy, even with a view to the security of the Church of England, that it should form an union with the parent church. He saw no danger whatever in granting the Catholics all they wanted. For a long time before the Revolution, the Catholics enjoyed all they now claimed, and yet the Protestant Church had stood unimpaired. But then it might be said, indeed it had been said, that, if you granted power to the Catholics, they would not be contented with an equality of civil rights, but would insist that their religion should be established. At present, however, their request was reasonable; and why should that be denied because an unreasonable application might possibly follow? He did not think, however, that it would follow. The Catholic religion, like others, had been softened in the progress of civilization; and the weight of influence would always remain in the hands of the Protestants.—At the time of the Union, hopes had certainly been held out to the Catholics that their civil rights would be restored, though no positive promise, he would admit, had been made to that effect. But it was a debt of honour which ought to be paid. He himself had always unquestionably understood that the Union would be followed by a removal of the Catholic restrictions, and had contributed to deceive the Catholics on that head. The hope had been encouraged, and in conversing with his friends and with Catholics on the subject of the Union, at the time it was under discussion, he had never hesitated to state, what he thought he had good reason to believe, namely, that the consequence of that measure would be Catholic emancipation. Such, he was satisfied, would have been the consequence had it not been for an unfortunate accident. But though the expectations he had entertained and inculcated or encouraged upon this head had been disappointed, still he was not sorry that the Union had taken place, and he was sure that, in the long run, the claims of the Catholics would not be urged in vain.—With regard to the Veto, he would not touch upon it at all. It was sufficient that it had nothing to do with the present question, which was merely whether the House should go into a Committee on these Petitions. Strongly impressed with the justice of the Catholic claims and the expediency of granting them, he did not feel himself called upon to dwell upon the dangers that might be supposed to result from refusing their immediate concession. He knew many of the most respectable of the Catholics well—he knew that they were grateful for the favours they had already received, and that they would not despair of the justice of the united parliament, with regard to such as were still wanting. He had sat with Catholics on many occasions in transacting the business of his country, and could bear testimony to their loyalty, patriotism, and congenial dislike of the conduct of France. He could bear testimony to their worth in a military as well as in a civil capacity. A noble friend of his and himself had raised a militia regiment, consisting mostly of their own tenants, in which no party differences had arisen. Catholic and Protestant had readily coalesced, as he had no doubt they would do in every instance if these disabilities were removed. With regard to the coronation oath, he did not think there was any thing in it hostile to the Catholic claims. He then adverted to the loss which the country sustained by shutting out Catholics from the highest situations in the army, and concluded by giving his support to the motion.

General *Mathew* was decidedly of opi-

" On the other hand, if the clergy are humbled, it will be out of their power to produce the fruits for which their ministry was appointed. The rule that should be followed in this respect, may be conceived in a few words. First, the clergy, as well as every other order, should submit in their functions, and in every thing else, to the public power, and be accountable for their conduct to the Sovereign. Secondly, the Prince should take care to render the ministers of religion respectable in the eyes of the people: he should trust them with the degree of authority necessary to enable them to discharge their duty with success, and support them in case of need with the power he holds in his own hands."

nion that all the dissenters of the empire, whether Scotch or Irish, were entitled to the full benefits of the constitution, as being equally interested with the Protestant in its security and prosperity. What the Irish Catholics now asked for was a matter of right so unquestionable, that the only wonder was how it could have been so long denied them. With regard to the vain and futile prejudices which had been advanced against their claims, they had been long on the decline; and as to certain objections which had been made upon the pretence of certain of their supposed religious tenets, they had been so clearly exposed and refuted by the hon. baronet (sir J. C. Hippesley), in his speech last year—a speech by the bye, in every respect superior to, and very different from, the hon. baronet's speech of that night. That speech had so completely succeeded in removing all such errors and prejudices, that it would be presumptuous in him to attempt to dwell longer upon that part of the question.—He then proceeded to shew the strong claims of the Catholics to the rights they now claimed from the services rendered by them to the empire at large, and more particularly in their military capacity. He did not hesitate to state that the great military successes of this country since the commencement of the war were chiefly to be attributed to Scotch and Irish valour. The mere English soldiery had the least share in it. He did not say this from any principle of invidious comparison: far from it: no man prized more the steadiness and valour of English troops than he did; but it had so happened, that the opportunity fell most to the Irish and the Scotch. The early part of the campaign in Egypt was the work of an immortal hero, whose name was the pride of Scotland. The glorious termination of that campaign was reserved for his gallant and revered friend, lord Hutchinson, an Irishman; and the work throughout the present campaign was chiefly begun and completed by Irish and Scotch. The men who had stormed Monte Video were Irish Catholics; the men who had astonished the French at Maida were Irish Catholics; the men who had most distinguished themselves at the battle of Vimiera were Irish Catholics; in the hottest part of the battle of Busaço was a clear majority of Irish Catholics; the 88th regiment, who had so admirably charged the enemy in that action, were to a man Irish Catholics; and in the battle of Barrosa, when that gallant and skilful officer, General Graham, led his troops to victory, need he remind the House what was done by the Irish Catholics upon that memorable day? (Hear, hear!) The 87th, to a man Irish Catholics; the brave 87th, the Prince's own Irish heroes—(a laugh)—he would repeat the title; he was one who was not ashamed of being proud of that distinction—(hear, hear!)—the Prince's own Irish heroes; gentlemen might laugh; he wished they had been in the ranks of those Irish heroes on that glorious day, and then they would have seen the true way to be of use to their country—(hear! and a laugh)—there they might have seen how those brave Irish heroes executed to perfection their orders. They indeed spared their powder, but they gave the enemy the steel with a vengeance. How was the Isle of Bourbon taken? By the valour of the Irish Catholics under the conduct of as brave and as skilful an officer as any in the service; he meant his gallant friend and respected constituent, lieutenant colonel Keating.—The gallant general then proceeded to shew, that the continuing the penal laws would have the effect of putting down recruiting in Ireland, and had already considerably diminished it; but if the Irish Catholics were put on the footing of the English; if they were sent out under the command of their own brave countrymen; of such men as the Irish generals, lords Wellington, Hutchinson, Marshal Beresford, generals Spencer, Doyle, Pack, &c. what might they not accomplish? The navy, he further contended, was manned by more Irish than English, as there were many foreigners in the navy. The gallant general concluded by stating, that if the Irish were well used they might be led by a silken thread. The Irish demanded but their rights, and their rights they would have. With his last breath he should support the just cause of the Irish Catholics.

Dr. *Duigenan* rose, and said, that he was authorised in stating the principles of the Catholics from the books which they themselves had published, and considered of absolute authority. Before he read any extracts from them, he should state the oath which was taken by every Catholic bishop and priest, and then should leave it to the House to judge whether persons who professed principles such as were contained in the oaths, ought not to be looked on with a suspicious eye by a Protestant government. The bishops swore that they would be faithful and obedient to the See of St. Peter, and to their lord the Pope. They also swore to observe the decrees of the councils of the Roman church, and to resist and persecute heretics and schismatics. The Romish priest, too, swore obedience to the holy mother church and respect to the councils of the fathers. Besides those oaths and those doctrines which they were thus sworn to support, he must also take notice of the concordat concluded between Buonaparté and the Pope. The fact was, that there was no sect so intolerant as the Roman Catholics when they had power, but now that they had not political power they made an outcry for toleration. What toleration was it they wanted? Had not not they their property protected, had not they their lives? (hear!) They were not impeded in the exercise of their religion, although whenever they had power, they had so often whelmed the world in blood. Buonaparté, however, was too wise to leave those people quite uncontrouled in his country. He saw that it was necessary for him to put himself at the head of his clergy; and yet in this country the Catholics who now petitioned for political power were not ready even to allow the crown a Veto on the appointment of Catholic bishops.

As to the argument which had been drawn from what was done in foreign countries, it must be recollected, that all the Catholic states in Europe were despotic, and therefore it by no means followed from any example which could be drawn from them, that Catholics were fit to be a competent part of a Protestant legislature. Although the pope had lost his temporal possessions, his spiritual powers remained as great as at any former time, and were as fully acknowledged by the Catholics of Ireland. A great stress had been laid on the Answers of the foreign universities, upon a point of the doctrine of the Catholic church. He did not, however, attach much weight to those answers when they were contrary to the recorded articles of the Catholic faith. He recollected how often history had spoken of the opinions of universities obtained by bribery. When Henry the 8th wished to marry his brother's wife, half the universities of Europe declared that it was lawful, and the other half declared that it was not lawful. The secret, however, was at length discovered; for it appeared, that king Henry had bribed one half of them, and the emperor had bribed the other half. As to the number at which the Irish Catholics were stated, he was convinced that it was a great exaggeration. The whole population of Ireland did not exceed three millions and an half; and one million and an half of those were not Catholics. When he said the population did not exceed three millions and an half, he went on actual calculation, and not on that bouncing bravado supposition, which added every year half a million to the population of Ireland. About 30 years ago a calculation had been made by Mr. Bushe, of the population of Ireland, and it was then said to amount to four millions. But the principle that Mr. Bushe went on was, that there were 700,000 houses paying the hearth tax, which on the supposition of six to a house, would give above 4 millions. But the fact was, that this calculation was too high; for instead, of six to a house, it had appeared, from actual numbering, that five, or five and a quarter to a house was the proper calculation, which would bring down the population to three millions and an half, of which he did not believe that more than two millions were Catholics. How did the Catholics stand as to property? Forty nine parts out of fifty of the landed property belonged to Protestants, and so did at least nine tenths of the personal property. It was not, then, the Catholics that paid the taxes in Ireland, it was the Protestants. As to the Catholic soldiers, he had no doubt but that they behaved as bravely as other soldiers, but he did not think there was any particular merit in their enlisting for a bounty. Nobody could suppose that it was for love of glory, or the good of the country, or any thing else but the enlisting money which tempted them to go into the army. As to the Irish officers, he did not believe that one out of a hundred was a Catholic, or one out of ten in the militia; and it must be recollected that of the Irishmen in the army and navy a very great proportion were Protestants. It therefore appeared to him that the Catholics had no right to claim such extraordinary merit for their services in the army and navy. —Dr. Troy, the Catholic bishop of Dublin, had stated in a pamphlet that the supremacy of the pope was the bond of Catholic unity. As the supremacy of the pope was therefore an article of faith, they did not venture to take the oath of supremacy, although he supposed that they would not hesitate at taking any other sort of oath. It was a doctrine of their religion that oaths taken with heretics were absolutely null and void. (No, no, from many members). He should say, Yes, yes; it was a doctrine of their belief, and he did not doubt but that it would in many cases be the rule of their conduct. Dr. Milner himself had stated that oaths were to be judged of by expediency; and for simply quoting this from his book last year, he had been grievously abused. The right hon. mover was entirely incorrect in stating that the Irish brigades had been formed by persecution of the Irish Catholics. After the capitulation of Limerick, five or six thousand men chose to go over to France, notwithstanding king William wished very much to retain them at home; and even promised them that if they decidedly preferred the military life, although he could not employ them himself, yet he would get them employment in the service of some of his allies. They, however, chose the service of France, and by the accession of their friends and connexions in Ireland, the number was kept up until the French Revolution. At the meeting of the county of Tipperary, which was stated to come from all descriptions of persons, he was informed that very few Protestants were present.—He then described the persons from whom the petition originated as composed of a few young barristers not much troubled with professional business, and many other persons of a low description in society. Mr. Finnerty, who had made himself an orator in Gale Jones's forum, went over to Dublin, and immediately became a great man among them. It was he who advised them to petition not only for Catholic emancipation, but for reform, abolition of tythes, and every thing else. The learned doctor concluded his speech by reading very long extracts from speeches of the Catholics, and their pamphlets, in order to shew that they were inimical to the established Protestant government of this country.

General *Mathew*, in explanation, said that the meeting at which the petition that he had presented was signed, was convened by the magistrates of the county, was attended by the two representatives of that county, and several thousands of the most respectable inhabitants; and that a noble lord who presided on that occasion, had a landed property of 30,000*l.* per annum in that county.

Lord *Jocelyn* was of opinion, that even if the prayer of the petitioners were granted, it would not tend to suppress that disunion which marred the fairest prospects of Ireland; and he was of the same opinion he had delivered upon a former occasion, because the same objections he had then still applied to the petitions on the table of that House. He attributed much of the discontent that prevailed in Ireland and most of their calamities, to the non-residence of the men of property among their tenants. These grievances existed twenty seven years before the Union, and were not attributable to that measure. But until he should see a petition founded on an unqualified basis of an uncontrouled Veto in the King, he should give his negative to going into a Committee.

Mr. *Bankes* thought the noble lord had taken a proper opportunity to lay before the House those grievances which he conceived Ireland laboured under. He was much of the same opinion; nothing convinced him more strongly that the Union was not a wise measure; and the oftener the question came before him, the more he was confirmed in his opinion. If what the Roman Catholics asked was proper to be conceded to them, it should be given, not on account of their numbers, but of the justice of their demand—if not useful to be granted, the House ought not to be afraid to refuse it. They were not to be intimidated into it by numbers. He saw no backwardness in the population of that country to engage in the army, nor any disposition to withhold themselves from embarking faithfully and heartily in the cause of their country. There was no pretence, however, for saying that the Roman Catholics in Ireland did not enjoy a full and complete toleration; and in his opinion it was of little consequence to the bulk and mass of the population of that country, whether it was extended further or not. At the same time he wished some middle course could be taken which would ameliorate their condition, and satisfy their wishes.

Mr. *Tighe* thought that no prince had a right to power with respect to a church, unless he had granted temporalities to that church. Mr. Pitt had introduced, it was true, the requisition of a veto; but he had it in contemplation, when he did so, to give a maintenance to the Catholic clergy. This was no narrow sectarian question. It was the Irish nation which petitioned the

House. The Irish nation had been subdued by the English; at first the distinction was between the two nations; subsequently, when they were a little blended, it was charged to the people within and without the pale. At length it was Catholic and Protestant that were opposed; still it was the Englishman or the English settler against the native Irishman, and the latter had never ceased to petition since the reign of Henry 2, to be restored to the rights which had been wrested from him. A reference to the excellent work of sir John Davis, would sufficiently establish the facts he had asserted.

Mr. *C. Adams* thought the question was, whether we were to have a Protestant establishment? He had maturely thought on the subject, and was by no means convinced that we should have a Protestant establishment if the Roman Catholics had what they wanted. It was denied that they practised idolatry; yet they professed the worshipping of Saints, which was recognised as part of their religion. He detested persecution as much as any man. He liked toleration; but still he wished to have it toleration, and not to have it right.

Mr. *Ponsonby* did not wish in this late stage of the debate to trespass on the patience of the House, but there had been some observations made in the course of it, which he could not let pass without comment. An hon. gentleman had asked, how we could be sure that, if the present demands of the Catholics were granted, they would stop there, or at any thing short of the subversion of the Established Church. The partial demonstrations of hostility on the part of the Catholics, which had excited these apprehensions in the hon. gentleman, or afforded him a pretext for the pressing them, he would find sufficient, and more than sufficient cause for, in the unnatural situation in which the whole Catholic body was placed, and more especially such a part of it as was placed more near the grateful liquid that receded in proportion as the thirst that sought to be slaked by it became more ardent. What, for instance, was the situation of the Catholic barrister? The possessor of talents, which every day excited the admiration of his fellow citizens, and seemed to qualify him for any employment in the state? The moment he opened the statute book he would find that all his exertions were insufficient to procure him any of those offices in which, while he served his country, he would reap the more appropriate reward of a high and generous spirit. Would such a check to his fair and laudable ambition be deemed an unreasonable cause for discontent towards the government that imposed, or at least would not remove it? The condition of the soldier was the same. He was permitted to enter the army, to be as lavish as he pleased of his blood in protecting the interests of the country, but as soon as his valour and his skill had been displayed in such a manner as would prove him qualified for command, then he was to be told that no exercise of such qualities could be of any avail as to his own interests, for the law opposed his further progress in the career of honour. What was then to become of that noble emulation which fired him, while there was a rival he might never hope to outstrip? What would be said to any fair claim to promotion that might be brought forward on behalf of colonel Keating, the gallant officer, who the other day was the chief instrument by which we obtained an addition to our territories of very considerable value? Why, the law would tell him, that if he continued to labour in his country's service, he must do so from a pure disinterested spirit of patriotism, for that the excitements by which that of others were aided, were not for him to contemplate. And yet it would be deemed matter of surprise if the name of that gallant officer was found to a petition, praying relief from those disabilities by which he must be so sorely galled. Was it not cruel? was it not impolitic to arouse and set in motion the passions of men, for no other purpose but to oppose obstacles to their gratification?

The hon. gentleman near him had observed, that the Irish peasant could not be affected by the rejection of the petition. In stating this, the hon. gentleman had betrayed his ignorance of the Irish character—the Irish peasant possessed a noble spirit; his mind could easily rise from the abject poverty in which he was doomed to linger out his existence, to the contemplation of aught by which his country was exalted, and he could forget for a season his private ills in the gratified feelings of the patriot. Moreover, was it not one of the blessings of the constitution, under the protection of which we had the happiness to live, that it enabled the lowest individual in the community to rise to the highest honours and emoluments of the state?

But even were the door barred against himself, was it to be supposed that the Irish peasant felt no sympathy with his countrymen in the higher classes of life? If the whole body of the English aristocracy laboured under a privation of their rights, such as was now complained of, was it to be supposed that the English commonalty would feel no disgrace thereby reflected on themselves? Or was it to be supposed that the persons more immediately within the reach of the grievance, would abstain from the exercise of every legitimate measure in order to remove it? The Irish people were quick in feeling; they never for a moment were insensible to the insult that was annually offered to them, and there could be no doubt that they never would sit down contented with the degraded state that was deemed suitable for them. The hon. and learned doctor had read some extracts from a pamphlet by a Catholic writer, in which his conduct had been condemned; but that hon. and learned doctor knew little of him if he supposed the principle upon which he advocated the cause of his Catholic countrymen could be shaken by the animadversions of one Catholic, or of the whole body. Were the whole body to unite in upbraiding him, his only answer would be, renewed exertions in the support of their cause, which he was conscious was as much the cause of the Protestants of the country at large as it was theirs. The right hon. doctor was deceiving himself in supposing that he could stop the native current of human affairs, in the course of which, whether the petition were refused this year or the next, it must be ultimately acquiesced in. With respect to what had been said as to the danger resulting to the Established Church, he was of opinion that the *onus probandi* lay with those who raised the outcry; but he had not observed that any steps had been as yet taken to describe the manner in which the Catholics would act, in order to accomplish the designs imputed to them. Was it by force? they could now resort to that as well as if they were in full possession of the rights for which they sued; or was it by influence, openly and legitimately exercised? It could be exercised only in parliament; and he would ask, whether it would not be much more than balanced, although the whole of the hundred Irish members in that House were Catholics? or would they have recourse to intrigue and cabal to obtain their end? The right hon. the Chancellor of the Exchequer himself was possessed of as much of such influence as could be employed in that way as could be ever brought to bear in the way it was apprehended, and he would appeal to him, if he were inclined to make an undue use of it, whether any attempt of the kind would not be perfectly useless? Really, it was only necessary to state such things as those to which he had adverted, to shew their monstrous absurdity, and it would be matter of wonder to future ages that it was necessary for a member of the British parliament to urge them. For his part, he should be unwilling to charge any body of men with the designs supposed to be harboured by the Catholics of Ireland, and he would take leave to say that they were as incapable of harbouring them as the Protestants of England.

Mr. *W. Smith* said, it had been asked, if this measure was extended to the Roman Catholics of Ireland, would it not be expected that it should go to the different sectaries in England also? He did not know what was expected, but he could say that in his opinion it ought to extend to all. The right of sitting in that House was all the privilege they enjoyed more than the Catholics; and during the years he had been a member, he could not have held a situation of the most trifling kind under the crown, without transgressing the laws of the land, for which he must be punished, were it not for the annual Indemnity Bill. All the evils of which we had to complain arose from the absurd notions of toleration and indulgence. He abhorred such terms. He knew of nothing but religious liberty, which was the right inherent in every man to worship God in his own mode. For this he contended, and he thought the Catholics were entitled to it as well as every other sect of Christians, as a matter of right.

The *Chancellor of the Exchequer* observed, that the hon. gent. who spoke last had revived the claim as of right which had some time ago been urged in the course of these discussions, but which had been dropped on the two last occasions when this question was agitated, and which had not been heard of to-night till introduced by the last speaker. He agreed so fully in what the right hon. gent. who spoke last but one had said respecting the length of the discussion, that he should not have offered himself to the attention of the

House, if he did not observe that this claim of right had been so prominently urged by the hon. gent. who had just sat down. That toleration might be claimed as a right he did not mean to dispute; but that there would be any right to political power in consequence, was a proposition he should contend against to the utmost. Political power was not the right of an individual, it was a trust to the individual for the interests of the whole. That power, he thought, if granted, would naturally be applied to the destruction of the Established Church. He had never rested the denial of the Catholic claims upon a question of character, for he would allow, that when the Irish soldiers or sailors were called into action, they proved themselves to possess all the strength of which the human mind or the human body was capable. It had been said, that to refuse those claims was contrary to the canon of the Almighty; if so, he did not see upon what ground the Catholics could be refused, if they were to apply for a participation of tythes, and a proportioning of the division according to their numbers. It was not upon the ground that the Catholics of Ireland were more rebellious subjects than any other that he would resist the motion, but upon the ground that the church establishment should be maintained in the whole kingdom, and not be endangered in any part of it. It had been asked, how this evil could happen, whether by force or by influence; he would say, that it might happen in consequence of the course in which the hon. gentlemen, on the other side, were proceeding when they sat in the situation which he and his colleagues at present filled, by granting gradually until all was given away. Those gentlemen who had spoken so much of the Irish were not infallible. Dr. Milner had been the god of their idolatry. He soon became quite the contrary. The same thing happened in their declarations on the Veto. The Irish now would allow it, and now they would not. All this ought to generate some distrust in their knowledge. He loved Christian toleration, not the toleration of philosophy. The French tolerating philosophers were atrocious persecutors, and they overturned all establishments. He thought that the more any great sects were brought to an equality of rights and honours, the nearer they were to a struggle. They ought to have subordination, to have peace. It was not to be supposed that the Catholic Petition was more agreeable to the nation because the public voice was less loud against it than formerly. The reason was, the public fear was less active. When at a late period, dangerous measures were urged by the legislature, the cry of the nation rose against them. The origin of that cry was imputed to his artifice; but the cry exhibited the feeling which would be roused again the first moment that the danger seemed probable. If he had not misunderstood the right hon. gent. opposite (Mr. Ponsonby) on a former occasion, when this question was agitated, he then declared that he would not have supported it but for the Veto. Now, he did not hear a word of the Veto, and this was of itself a sufficient reason for him, (Mr. Perceval) to oppose the motion, though he confessed he did not do so solely on this account.

Mr. *Whitbread* rose, and called on the right hon. gent. who was a friend to Christian toleration, and an admirer of the Gospel of Christ, to open that Gospel, and shew him where he could find the Church and State united together, and where he could find, though tithes were created by men, that they were designated by God, as the engine of political aggrandizement, or of individual or national oppression? The right hon. gent. denied philosophical toleration; Socrates was a philosopher, and Christ himself was the greatest philosopher that ever lived. Did the right hon. gent. recollect that these statutes against Popery were the emanations of perjury and lies—just like the cry raised by himself in 1807—just like lord George Gordon's riots in the year 1780, the right hon. gent. himself being now at the head of that or of a similar mob. The learned doctor Duigenan, whom all deserted when his nomination as a privy counsellor was called in question, must be declared by acclamation to be the privy counsellor chosen by the right hon. gent. himself. That right hon. and learned Doctor had made a most illiberal attack on Mr. Finnerty, describing him as a person who had been a journeyman taylor. He (Mr. Whitbread) had no noble parentage to boast of, but he never despised an honest or meritorious man on that account. He would remind the right hon. and learned doctor, of a story which had probably escaped his recollection. It having been mentioned as a matter of disparagement to a person who had amassed a fortune, and got into a genteel line of life, that he had at one time been Boots, as it is called, at an inn; the person in reply confessed, "It is true, I once was Boots at that inn, and now I am what you see me; but if you had ever been Boots there, you would have been so still." The hon. gentleman proceeded to allude to the gallant exploits of lord Wellington, general Beresford, and general Pack, and asked ought the country to have been deprived of their services, they being Irishmen, if they happened to be Catholics, because they believed in transubstantiation? Or if they were now to become converts to that belief, ought they on that account, to be dismissed the service? The case was an extreme one; but still it was exactly in point, and the right hon. gent. drove him to it.

Had the right hon. gent. considered the nature of his Militia interchange plan, when he censured his noble friend (earl Grey's) measure in favour of the Catholics? What was that measure? The opening of certain situations in the army to Catholic officers. Why, by this interchange you brought Catholic soldiers, commanded by Catholic officers, to defend these realms! This was lord Howick's measure on a scale ten times more extensive. And was it this, then, that endangered the Church? Was this the ground on which the cry of No Popery was raised? But the matter did not rest here. The casualties of the army at the lowest computation amounted to 22,000—(would to God they were not more)—and your ordinary recruiting furnished only 9,000—you were forced to have recourse to volunteering from the Militia. The Catholic soldier would not go without the Catholic officer. The officer, therefore, must be permitted to go; and here would lord Howick's measure be completed. These inconsistencies could be accounted for only upon the supposition that on this subject the right hon. gent., ingenious and acute as he was, entertained prejudices so gross, that it was impossible for him to see any thing clearly through their mist. But the right hon. gentleman's intolerance had injured the recruiting service. For these three years past the Catholics had not enlisted. The priests had prevented them, and no wonder. Give back, then, their privileges to the Catholics, for they had them before. Give them by degrees, or, if you do not, the time will come when they must be given at once—and that once may be a season of serious convulsion in the state. The right hon. gent. took it for granted, that the Church was the greatest of blessings, and yet he had admitted tythes to be a grievance in Ireland, which, if possible, it would be highly desirable to get rid of. But his objection to the consideration of the Petitions was, that the Catholics having got that length, would immediately endeavour to abolish the tythes. He wished they were abolished in Ireland. It would be a great good to Protestant as well as Catholic. The Church which, be it recollected, was a human arrangement, not one made by Him who came from heaven, would then have its property in land. The plan of commutation of tythes for land had been carried a certain way in this country; and both parties could hardly fail to make a good bargain. He was sorry to hear, that the Church had, of late opposed that commutation. But why did the right hon. gent. set up against this motion a bugbear—an alarm of doing that which would do so much good to the Protestant and Catholic peasant? All this time they talked of the Church as perfect—zealous in the discharge of its duties—without spot or blame. Was that the case? Where the Church failed, he was glad to see sectaries rise. It was of the last importance that the minds of the people should be furnished with religious instruction. The worship of God ought not to be neglected, because churchmen did not do their duty. Where the Church lost, it was fortunate for the community that the sectary gained; and if the Church was negligent in Ireland, why should not the Catholic gain?

Adverting to the good effect that had resulted from the defeat of lord Sidmouth's Bill, by the united opposition of the Dissenters, the hon. gent. observed, that before he complimented the Chancellor of the Exchequer upon his conduct in that matter, he would have been sure that he deserved it. He did not know that the right hon. gent. had been hostile to that measure. But whether hostile or not, the opposition to it was such, that no minister could have carried it. The Catholics came in the same manner—they prayed for these privileges—they had said that their sovereign had been gracious to them—that he had conferred many favours on them. An hon. friend of his had endeavoured to illustrate the bad effects that would result from this measure, by citing from history the efforts of the Roman plebians to render themselves equally admissible to the higher offices of the state with the patricians. He had expected to hear this followed up by a statement, that when the plebeians had succeeded, they poured into these offices as the Roman Catholics, it was presumed, would pour into this House. But what was the fact? Why, that none of the plebeians were elected for some years. But it had been stated, that his friends had themselves held out that these claims ought not to be considered, without the admission of the veto. They had said no such thing. The cause had been pleaded by Mr. Fox, who said nothing of this veto. His right hon. friend (Mr. Grattan) had afterwards said that he had authority to concede it, and with this he was now taunted. Why, he thought he had authority—he thought Dr. Milner one worthy of trust, because he was a man held in general esteem. What Dr. Milner now appeared to be all must know. His right hon. friend had been deceived; but he had rather be the deceived than the deceiver. It had also been urged that this would increase the influence of Buonaparté. How? He had the pope in his power indeed; but would the Irish Catholics be less inclined to foreign influence with their grievances existing than they would be if they were removed? Or was not the removal of grievances the only effectual way to counteract that influence? Had the Pope prevented Spain and Portugal from resisting Buonaparté? The case was so clear that one would think it impossible that the House should refuse to go into the Committee. And yet he thought it would refuse. But the Catholics would have this consolation, that of all the men who had held high situations for some time past, the right hon. gent. and one or two others, disciples of Mr. Pitt, as they said, but wandering far from his opinions on this subject, were the only persons who said that the Catholic claims ought never to be granted. Such was the conduct of the right hon. gent. who looked for his rule, as well as he (Mr. Whitbread) did, in the Gospel. In vindication of lords Grenville and Howick, he stated that his noble friends never professed that these claims ought to be granted without some security for the Established Church —but what the nature of that security should be was not a matter of so much importance. The hon. gent. concluded by expressing his sincere hope that the day would come when the claims of the Catholics would be considered, and when no such infernal cry of "No Popery" would be raised as that which had been excited three years ago.

The *Chancellor of the Exchequer*, in explanation, denied that he had said that the people of this country would resist the act of the legislature, if it should think proper to grant the claims of the Catholics; still more, that he should encourage such resistance, With respect to tythes, what he had said was, that if the Catholics should obtain their present claims, they would then look to a participation of the Church revenues, whether consisting of tythes or of any other property.

Mr. *W. Smith* stated, that he had thanked the Chancellor of the Exchequer, because he had reason to know that before the declaration of the opinions of the Dissenters upon the subject, that right hon. gent. had determined not to support the Bill of the noble lord in the other House.

Mr. *Whitbread* thought the thanks deserved, and retracted what he had before said on the subject.

Mr. *Stephen* commented in severe terms upon Mr. Whitbread's sentiments. He declared the toleration, which he had panegyrised in France, to be nothing but a mixture of despotism and hypocrisy, but, indeed, he believed, that there was no measure of Buonaparté's of which the hon. gent. would not be the apologist or advocate. (A loud cry of "Order, take down the words.")

Mr. *Whitbread.* The words impute to me such a degree of criminality, that I must insist on their being taken down.

The words were repeated to the clerk, and taken down.

The *Speaker.* The next step is to have the words read, in order that the hon. gentleman to whom they are imputed may deny or justify them.

The words were here read.

Mr. *Stephen.*—I might have used the words which preceded those, but I do not recollect those which followed.

The *Speaker.* The next course is to divide the House on the question, whether the words have been used or not. Does the hon. member persist in that determination?

Mr. *Whitbread.* I have considered that as the offence was a public insult to the House, I ought to demand the apology here rather than elsewhere. I am so far satisfied, and I do not believe that the hon. member meant the words in the full extent to which they might be imputed.

Mr. *Stephen.* I really uttered the expression which I did, hastily, in consequence of the irritation of the moment, at, as I thought, the unfounded and unwarrantable imputation cast on my right hon. friend.

Mr. *Whitbread.* Does the hon. member mean to say, that I am an enemy to my country?

Mr. *Stephen.* Far from it; I believe the hon. gentleman to be as warm a friend to the country as any man can be.

The *Speaker.* This business is now at an end.

The cry of Question here becoming very general,

Mr. *Grattan* rose and observed, that he knew how irksome it was to the House, to hear any further arguments at that late hour, but something had fallen from the right hon. the Chancellor of the Exchequer, which required animadversion. He had said that he (Mr. Grattan) had changed his manner of introducing this question. It was his duty to shew how mistaken he was, and that he had utterly misrepresented the part which he had taken. He did not abandon the statement which he then made. He had said that he had excluded foreign nomination then, and that he abandoned it at present. He did not abandon it. He said it would be necessary to prevent French nomination; but that was a matter of regulation; and he added that they should not alone act handsomely towards the Catholics in the first place, but also that they should take from them that security which the state might require. He had in this done better than the right hon. gent. with his degrading concession. The right hon. gent. had said, that he had once pronounced a panegyric on a certain doctor—He never had. He had said that he was our little deity—He never said any such thing. The right hon. gent. said that he (Mr. Grattan) undertook to speak the opinion of the Catholics of Ireland. He had never said any such thing. He had surely said that he was informed by Dr. Milner that such were their opinions, but he never undertook to promise for their truth. The right hon. gent. had said that he had expressed himself to the effect, that to pay tythes to the Protestant clergy was against the canon of the Almighty. He said no such thing. He had said, that when they were taking from the Catholics their tythes, and taking away from them their qualifications, that that was against the canon of the Almighty. Let them take tythes—very well, but why also take away their civil qualifications? This was a doctrine of the right hon. gentleman, and it was an abominable doctrine, though he dared to say it was his sincere faith. Were you to take from a people their civil capacity because they paid your church? This was an attack on the rights of the Catholics, and went to separate the morals of religion from religion itself. It was of the utmost importance never to separate morals from religion. In taking away from one-fifth of the population of the Empire their civil qualifications, the right hon. gent. said he had no charge to bring against the character of the Catholics. Indeed! and did he profess that they were eternally to lie under the deprivation of their civil privileges, while no charge was to be imputed to them? He calls civil capacities power. He (Mr. Grattan) did not care by what name the exclusion went, it was enough that it was an exclusion from the state, from the legislature, and was not that an exclusion from civil capacities? It was not in the art of a minister's declamation to alter the nature of things. The Catholics, he says, will destroy the Church, and he goes on and states, that if they destroy the Church they will destroy the State, and he goes on to state, that if they destroy the State they will destroy the Church; for this was the whole of his argument; it was merely an echo upon an echo—a repetition on a repetition. He urged no argument; he relied on the force of his vociferation in place of argument; he had never attempted to prove any thing that he said—he said 'I think,' and 'I think;' and he thought wrong. He had said he had no objection to the character of the Catholics; and yet, before the Catholics could destroy the church, they must be perjured. This is the having no objection to the character, to suppose them perjured. He had called him (Mr. Grattan) the Declaimer for the Catholics; he (Mr. Grattan) said that the right hon. gent. was the Declaimer for Bigots; and if ever there was one declamation without any share of truth or eloquence, it was that speech which he had made that night against one-fifth of his Majesty's subjects. He had given another reason for their disabilities: the Catholics serve in your army and navy [a laugh from the opposite side.] The hon. gentlemen laugh; but gentlemen who side with ministers are accustomed easily to laugh. What did he mean but this, when he said, if you had their service under the disabilities, why remove them? Well, then, he gave up his charge; he allowed they were base, because what pretence could he have to refuse these privileges, but disaffection? If that be his conviction let him refuse them. But if the Catholics were bravely serving in your army at the expence of their blood, that argument could not be too justly abominated. It shewed how much men could be carried away by fanaticism and bigotry. What was the solidity of the argument, that, if the Catholics fought well in the army abroad, they would fight equally well under degradation at home. He strives against you at home because you oppress him; and he fights for you abroad because you there trust him. It was easy to point a repartee to any thing, but it was not so easy for the right hon. gent. to point an argument. Because the Roman Catholic pays your Church and fights your battles, therefore he is to be disqualified. The right hon. gent. had shewed in this a higher spirit of bigotry than he could have expected from a politician; but his country would shew him that it was not in the power of a declamatory minister to prevent the Catholics from obtaining their object. He had maintained that the Roman Catholic having a religion, was in itself no disqualification, and that if he was free from treasonable practices, he stood precisely as any other Dissenter who was a Protestant. Would they, without inquiry, refuse to admit that portion of their fellow-subjects to a participation of privileges, whose loyalty could not be impeached. The right hon. gent. had shewn no reason why they should be either excluded from the state or the army, and that seemed to him to be sufficient for disqualifying himself from continuing to be minister of the country.

The House then divided: For the motion, 83. Against it, 146; Majority against the motion 63.

List of the Minority.

Adair, R.
Abercromby, J.
Antonie, W. L.
Barnard, S.
Barham, F.
Brougham, H.
Byng, G.
Bennet, R. H.
Cocks, E. C.
Colborne, N. R.
Combe, H. C.
Cavendish, Ld. G.
Cavendish, W.
Creevey, T.
Calcraft, J.
Duncannon, Ld.
Elliot, Rt. Hon. W.
Fitzpatrick, R.
Greenhill, R.
Grenfel, P.
Grenville, Ld. G.
Hippisley, Sir J. C.
Hibbert, G.
Hussey, W. S.
Hanbury, W.
Horner, F.
Lemon, J.
Lamb, W.
Lester, B. L.
Milton, Ld.
Mahon, Ld.
Marryatt, J.
M'Donald, J.
Moore, P.
North, D.
Nugent, G.
Ord, W.
Piggott, Sir A.
Pym, F.
Ponsonby, G.
Romilly, Sir S.
Scudamore, R. C.
St. Aubyn, J.
Smith, W.
Smith, J.
Sharp, R.
Sheridan, R. B.
Stanley, T.
Tierney, G.
Tavistock, Ld.
Whitbread, S.
Western, C.
Warrender, Sir G.
Walpole, G.
Wrottesley, Sir J.
Wynn, C.

IRISH MEMBERS.

Butler, J.
Bligh, T.
Bagnell, W.
Daly, B.
Dillon, A.
Fitzgerald, Ld. H.
Fitzgerald, A.
French, A.
Grattan, H.
Hamilton, H.
Hutchinson, C.
Latouche, R.
Latouche, J.
Montgomery, Sir H.
Mathew, M.
Mahon, S.
Newport, Sir J.
O'Brian, Sir E.
Odell, W.
Parnell, H.
Prettie, F.
Power, R.
Ponsonby, G.
Ponsonby, F.
Quin, W.
Savage, F.
Somerville, Sir M.
Tighe, W.
Talbot, R.

HOUSE OF LORDS.

Wednesday, June 5.

INSOLVENT DEBTORS' BILL.] Earl *Moira* rose to present a Bill for the temporary relief of Insolvent Debtors. During a recent discussion of a measure of a similar tendency, it was generally acknowledged that although that Bill could not be admitted in its present shape, still some Bill in the form of the temporary Insolvent Bill, which had been adopted of late years, was expedient, indeed absolutely necessary, from the overflowing state of our prisons with unfortunate persons of this description. Finding that noble lord took up the hint, he had resolved not to let the session close without some measure, however imperfect; and although he did not approve of the principle, or the provisions of such temporary bills, yet feeling the absolute necessity of some measure of the sort, he had prevailed upon himself to introduce one, which he did, however, upon the understanding that the Bill adhered to the principle of his noble and learned friend's Bill, which he trusted his noble friend would persevere in till it should be made unexceptionable, and passed into a law. He had not extended his present Bill to Ireland, on account of the different practices of the courts in that kingdom, but would propose a separate Bill for that country to the same effect.—The noble earl then moved the first reading of the Bill, and then introduced the Bill for Ireland, both of which were ordered to be printed, and to be read a second time on Friday.

Three Cranes Bridge Bill.] Lord *Keith* presented the Report of the Committee on this Bill, which was ordered to be taken into consideration, on Monday next.

Earl *Stanhope* gave notice, that it was his intention to move for the recommitment of the Bill on that day, and took that opportunity to make a few observations respecting the proposed erection. The bridge proposed to be erected was to be of cast iron, and to consist of three arches, each of which would be double the breadth of Oxford-street. He knew such a thing was practicable, but he doubted of its efficacy according to the plan proposed. He wished the matter to be further investigated, and with that view, that the Bill should be recommitted. Mr. Rennie, the engineer on the occasion, had not been closely examined. He had not prepared the necessary calculations when he was before the Committee, and he thought an opportunity should be afforded for a further inquiry into the subject.

Lord *Keith* spoke generally in approbation of the measure as then before the House. He had no objection to a recommitment of the Bill, if the noble earl thought it could be advantageous. The noble lord appeared to think favourably of the plan as proposed by Mr. Rennie, and seemed to say that it was sanctioned by the approbation of Dr. Hutton.

Earl *Stanhope* spoke in explanation: enforced his former remarks, and observed, that Dr. Hutton, as an interested individual, could not regularly be examined before the Committee, but such was his high respect for Dr. Hutton, that whether he was interested or not, he should pay the greatest deference to his opinion. But he added, that were the scientific gentleman in question to be thoroughly examined, his sentiments would be found similar to those entertained by himself.

The Duke of *Norfolk* was adverse to the measure *in toto:* he begged their lordships to recollect how much erections of that nature interrupt the navigation of the river Thames, the importance of which was too obvious to be insisted on. There were two bridges already in a course of erection on the river Thames, one near Vauxhall, the other between Westminster and Blackfriars Bridges, and he thought it would be preferable to wait until it should be seen how those bridges answered.

HOUSE OF COMMONS.

Wednesday, June 5.

Report respecting Mr. Mallison's Life Preserver.] Mr. *Whitbread* reported from the Committee, to whom the petition of William Henry Mallison was referred; and who were empowered to report the same, with their observations and opinion thereupon, to the House, together with the Minutes of the Evidence taken before them; That they had examined the matter of the petition; and had directed him to report the same, with several resolution thereupon, to the House; and the resolutions of the Committee were read as follows:

Resolved, "That it is the opinion of this Committee, That the application of cork, after the mode invented by Mr. Mallison, is effectual for the preservation of persons in the water; and it appears from the evidence taken, that experiments have been made as well by persons who could swim as by those who could not, in the open sea and in rough water, and by one person in particular, a good swimmer, in a situation of uncommon peril, all of which have been quite successful. 2. That the application of the invention to the crews of boats going off from ships to shore or returning in stormy weather, would be exceedingly useful, and on all dangerous services of the same nature, especially as the use of the invention cannot materially impede the action of the limbs either in rowing, walking, or making any necessary exertion on the beach, and the Committee have no doubt that in many dreadful disasters which have happened, such as fire or foundering of ships at sea, when in company with other vessels (as in the instances of the Prince George, admiral Brodrick's ship, in the seven years war, and the Queen Charlotte, not many years since in the Mediterranean), if a quantity of the Seaman's Friend, invented by Mr. Mallison, had been on board, many valuable lives would have been saved. 3. That the invention of Mr. Mallison is well deserving of public attention."

Ordered to lie upon the table, and be printed.

COTTON MANUFACTURERS' PETITIONS REFERRED TO A COMMITTEE.] Colonel *Stanley* moved, to refer the Petitions of the weavers of Lancashire (see p. 339) to the consideration of a Select Committee. He expatiated on the hardships to which the Petitioners were subject, and on the policy as well as humanity of endeavouring to afford them relief. From all the information which he had been able to collect, this numerous class of individuals was in a most deplorable situation; and such was their poverty, that they were compelled to bring up their children in complete ignorance, from their inability to afford them education.

Mr. *Blackburn* supported the motion.

The *Chancellor of the Exchequer* said, it was impossible not to feel the greatest disposition to give to the request of the Petitioners every attention which could be conducive to their relief; but, after the most deliberate consideration of the case, he apprehended that it was impossible to hold out to them any expectation of a favourable nature, without exposing them to the certainty of disappointment. He had seen several persons intimately connected with the Petitioners, who had made strong representations to him with regard to the distresses which they experienced; but he found that the remedy, at which they aimed, consisted of regulations in the trade that could not be acceded to, without the production of the greatest inconveniences. They wished for regulations respecting the persons to be admitted into their trade; for regulations respecting the number of apprentices to be allowed; and, in short, for such restraints, as, however they might tend to their immediate relief, must ultimately prove extremely injurious, both to the individual in question and to the trade of the country at large. For himself, he could see no advantage in referring the subject to the consideration of a Committee, as he was persuaded that such a step would merely cherish a fallacious expectation in the minds of those who were concerned. At the same time, if there were any gentlemen who took a different view of the subject, and who could present to the House a probable prospect that the appointment of a Committee might lead to any thing advantageous to the Petitioners in their present distressed state, he should be very sorry to oppose the motion. If, therefore, any gentleman could point out to the House a reasonable ground for supposing that a different result might be expected on an investigation of the subject, from that which had followed a similar inquiry at two or three former periods, he entreated the House to listen to such a statement, and if they thought it well founded, to adopt the motion of the hon. gentleman. If, on the other hand, no probable ground could be made out for the expectation of a favourable result to the inquiry of a Committee, he would ask, Where would be the advantage (except that of an immediate relief to the feelings of the House) of encouraging expectations, which must inevitably lead to the disappointment of those, whose existing distresses were already but too apparent?

Sir *R. Peel* strongly recommended the appointment of a Committee, to take into consideration the melancholy case of the Petitioners. He conceived it possible, that without consuming much time, such a Committee might discover some mode of affording relief, and he declared that the happiest day of his life would be that in which he should join in such a labour. Many of the persons who were now suffering such distress, would soon, he feared, be employed by the rivals of Great Britain; for it was not to be expected that they could long endure the privations to which they were at present subject, without an attempt to obtain relief; and it was evident that Buonaparté and those who were at the head of other countries, anxious to emulate Great Britain in manufactures, would do all they could to induce our manufacturers to emigrate to those countries. If their miseries could be alleviated by the application from the public purse of a sum of money, however moderate, it might enable them to struggle with misfortune, and would at least afford them time to ascertain whether they must be compelled to betake themselves to other occupations, or whether it was probable that their own trade would so far revive as to afford them the means of support.

Mr. *Ponsonby* thought it was too hard upon those who were for the appointment of a Committee, to point out the mode by which the Petitioners might be relieved. This must be the result of an examination. Unquestionably several ideas on this subject had occurred to his mind, although he should be sorry then to throw them out, as if afterwards they should be found impracticable, the mention of them at that moment would but embitter disappointment. There was one consideration, however, which, in his opinion, the House would do well to entertain, and that was, whether if, on a minute investigation, it should be declared by the Committee that no relief could be afforded, such a declaration would not be received by the Petitioners with more temper and moderation than any immediate and peremptory negative to enter at all into an examination of their grievances.

Mr. *Rose* declared that what the right hon. gent. had said was decisive upon the subject. His right hon. friend had stated, that if a single individual intimated that he conceived relief could be afforded to the petitioners, he should have no objection to the appointment of a Committee. The right hon. gent. opposite having said that several modes by which relief might possibly be afforded had occurred to his mind, he trusted therefore, that there would be but one opinion in the House on the propriety of appointing a Committee. Still, however, he wished to make two or three observations on the subject: a representation similar to the present had been referred to a select Committee three years ago. That Committee had been very constantly and very numerously attended. The subject had undergone the most patient discussion, and the result was, that the Committee were unanimously of opinion that nothing could be done for the persons aggrieved. No one, not even those who resided in the immediate neighbourhood of the petitioners, could be more convinced of their distress than he was. For four or five years he had held a correspondence with them and he had always cautioned them against cherishing the expectation of legislative assistance. The hon. bart. talked of granting them a sum of money. A similar recommendation had been made to him by one of the deputies of the petitioners, with whom he had lately had a conference.—That person mentioned a hundred thousand pounds as a sum that might be serviceable to the petitioners; but as in the same breath he estimated the number of sufferers at five hundred thousand, the House would judge how far such a sum could be available to an evil so extensive. Many misapprehensions had gone abroad as to former circumstances connected with this subject. Among others it had been said, that Mr. Pitt on a former occasion had laid out 200,000*l.* or 300,000*l.* of the public money, in the purchase of goods, for the relief of the manufacturers. Nothing could be more unfounded. The possibility of a minimum of wages, of a limitation in the number of apprentices, &c. &c. were all points that were discussed and determined in the Committee to which he had already alluded. In his opinion, it was impossible to devise any method by which effectual relief could be afforded to those persons who had suffered so much and so patiently. There was no description of individuals in the country better entitled to the consideration and favour of the House, if any man living could point out a mode by which they might be benefited.

General *Tarleton* trusted, that the House would enquire into the distresses of the petitioners with a patient attention. Their petitions were such as it was becoming them to present, and their appeal was made to the generosity and liberality of the House. The sons and brothers of many of the persons whose names were signed to these petitions were shedding their blood in the cause of their country; but even their conduct was not more meritorious than the peaceable behaviour of the petitioners under their sufferings. He hoped, therefore, that the House would, by agreeing to the motion, shew that they were ready to enquire whether any relief could possibly be afforded to them.

Mr. *D. Giddy* had attended all the Committees which had enquired into this subject since he had the honour of a seat in that House, and the conviction upon his mind was, that no human ingenuity could devise the relief required. When the last report was made, he felt this impression so strongly, that he had given notice of his intention to oppose any motion for laying such petitions in future on the table. But still, as it might be better to agree to the present motion, than to reject the application in a peremptory manner, though he expected no benefit to result from the proceeding, he should consent to go into the Committee, under the impression that it might tend to soothe the feelings of a very meritorious class of subjects.

Mr. *Adam* observed, that as it seemed to be admitted on all hands that an investigation into the distresses of the petitioners, with a view to ascertain what practicable relief could be afforded them, ought to take place, the only question was, what that relief was to consist of. It had happened to him to know, that in a small district in the country, with which he was more particularly connected, distresses such as those complained of by the petitioners had been very severely felt. He knew, also, that these distresses had been in a great degree relieved by the measures taken by humane individuals, and the voluntary exertions of those who had the means of assisting towards that object. The relief thus afforded had been productive of highly beneficial consequences. It might be right that the Committee should consider how far relief, such as that he referred to, could be applicable to the case of the petitioners. He wished, however, not to be understood to say, that the precise mode of relief, which had been found so serviceable in a small district, would be equally beneficial if resorted to for the relief of the large bodies of manufacturers whose distressing case was then under consideration.

Mr. *A. Baring* agreed with the right hon. the Chancellor of the Exchequer, that unless some practical relief was likely to result from the adoption of the motion, they would by agreeing to go into the Committee only excite expectations which would afterwards be disappointed. He for one should object to any relief by a grant of money. The distress was general amongst persons connected with the commerce of the country; and if any enquiry was to be instituted at all, he thought that the Committee should be appointed to examine into the general system of the commerce of the country; and to ascertain whether there was any thing radically wrong in that system to which the distresses of the manufacturing classes could be ascribed. This point had been adverted to in the petitions, where the distresses of the manufacturing classes were in part attributed to the state of our relations with America. The trade with America was that of which alone the enemy could not possibly have deprived this country. He should not, then, assert, whether it might not have been possible so to have regulated our politics, as to have maintained amicable relations and commercial intercourse with America; but, certain he was, that the situation in which we stood with respect to America was that in which the enemy would most desire to see us placed. He thought, also, that if the enquiry could be entered into, with any prospect that the House would sit long enough to allow of its being conducted to any beneficial result, the system of granting licences, which had been so much cried up, should at the same time be investigated. This was the only measure that could be looked to for any satisfactory consequence: but perceiving that the feelings of the House were in favour of going into the Committee, he should not press upon this point farther.

Sir. *John Neuport* thought, that, as the hon. bart. opposite had stated it as his opinion that it would be gratifying to the feelings of the petitioners to accede to this motion, that consideration alone ought to be sufficient to weigh with the House. He was decidedly of opinion, that any grant of money ought to be deprecated; but he thought that the relief might be rendered effectual, if the manufacturers should be enabled to send the articles on their hands to a market not now accessible to them. He threw out this suggestion for the information of the House generally, because he knew that a measure of the description he alluded to had been successfully adopted in a case of similar distress in Ireland. At all events, by going into the Committee they would shew the petitioners, that they were ready to do every thing in their power for their relief.

Mr. *Wilberforce* was fully aware of the danger of exciting, by agreeing to the motion, expectations which might afterwards be disappointed; but there was one circumstance which made him of a decided opinion upon this occasion. He would agree to a going into the Committee, lest their motives should be misinterpreted—lest, if they refused to agree to the motion, it should be supposed that they were not aware of the extent of the distress. The amount of that distress they could not so clearly ascertain without entering into a grave and solemn enquiry: and, if it should unfortunately, after such enquiry, be found, that no practicable mode of relief could be devised, he wished it, at all events, to be clearly understood by the sufferers, that every attention had been paid to their claims in that House: and that the evil they complained of was not redressed solely because it was beyond the power of that House to remove it. He thought it particularly desirable, that it should be well understood from the first, that they entered into the enquiry not from any certainty of being able to afford the relief applied for, but with a view to ascertain whether it was in the power of that House to grant any relief whatever.

Mr. *Pole Carew* would object to the Committee being authorized to report any thing but facts. The House would recollect what inconvenience they and the public had sustained from having had to debate a question for seven days arising out of a committee of last session having exceeded its powers. He wished to avoid a similar inconvenience in a future session, and should not therefore consent to give any powers to this Committee, but to report facts.

The motion was then agreed to, and the twenty-one following gentlemen were appointed to form the Committee: Colonel Stanley, Mr. Blackburn, lord A. Hamilton, sir R. Peel, Mr. W. Bootle, Mr. Davenport, Mr. Rose, Mr. Houston, Mr. Bradshaw, Mr. Wilberforce, Mr. Whitbread, Mr. Pattison, Mr. Patton, sir J. Shaw, sir J. Anstruther, sir J. Graham, sir J. Newport, Mr. Ponsonby, Mr. Long, Mr. D. Giddy, and Mr. Adam. After a few observations from colonel Stanley, Mr. R. P. Carew, and Mr. Rose, it was ordered, "That the Committee have power to report their observations thereon." On the motion of Mr. Houston, the Petition of the Weavers of Ayr, Renfrew, and Lanark; and, on the motion of lord A. Hamilton, the Petition of the Weavers of Paisley and its neighbourhood were referred to the same Committee.

DELAYS IN THE DECISION OF SUITS IN CHANCERY.] Mr. *M. A. Taylor* moved the order of the day for resuming the adjourned Debate upon the motion, "That a Committee be appointed to inquire into the causes that retard the Decision of Suits in the High Court of Chancery."

Sir *Samuel Romilly* observed, that having on a former occasion stated to the House the reasons that induced him to think that the motion of his hon. and learned friend should be agreed to, he had then to inform the House, that nothing had since occurred to make him alter the opinion he before expressed. The Report, which was then expected from the Committee of the House of Lords, had since been communicated to that House, and appeared to him to contain nothing to prevent the House from going into the Committee moved for by his hon. friend. The measure proposed, of appointing another judge to assist the Lord Chancellor in his Court, he considered of such importance, that he thought it impossible it could be carried into effect at so late a period of the session, when so thin an attendance was to be expected in both Houses of Parliament. An alteration in the constitution of the court, which would be productive of the most serious consequences, required the most assiduous attention of both Houses. He had many personal reasons for wishing to abstain from giving any opinion on this question; but considerations of public duty obliged him to deliver his sentiments upon it. The first novelty of the measure was, that it would establish a judge in the Court of Chancery, who should not have to try original causes, but merely to decide upon appeals. That was an experiment, which no man who knew any thing of a Court of Equity, would think ought to be lightly hazarded. The whole system of Equity in this country was founded on the decisions of successive chancellors from lord Nottingham down to the present time; and it was necessary that those who had to administer the equity laws of this country should be in the constant habit of deciding original causes in the court of chancery. If the duties of the lord chancellor were too great for him to perform, it would be better to separate from his office the duties of the Speaker of the House of Lords, or the decision of Bankrupt cases, though he saw considerable objection to either, than to take from him the decision of original causes, and that jurisdiction which constituted the very essence of his office. He knew it might be said, that to separate bankrupt cases from the jurisdiction of the lord chancellor, would diminish his emoluments too much. He did not think it would; but even if it should, that ought not to stand in the way for a moment of an arrangement necessary for the public interest. He was utterly astonished at the meagre information supplied in the Report from the Lords' Committee. It stated only what business had been done in the ten latter years of lord Hardwicke, and in the ten last years; but it gave no information whatever as to the business which had not been gone through, nor as to the causes of the delays. It appeared by the report, that from the year 1745 to 1755 the number of original causes decided was 1638; in the last 10 years the number was 570. It did not appear, however, that the business of the court of Chancery had increased of late: but it would be an unjust inference to make from the statement in the report, that the business had actually diminished. The only way in which he could account for the business not having increased, was, that many points, which were doubtful in lord Hardwicke's time, had since been settled. The increase of motions was double, but that was no proof that the business was doubled. He hoped if he was wrong in any of the causes which he had stated, that his learned friend opposite would set him right. He regretted much that there were none of those learned gentlemen present who, from their practice in the Court, would have been adequate to decide on this subject; perhaps, however, it might not be convenient to them to attend. He considered, however, that his public duty was so imperative that it ought to supersede all private convenience. From all the consideration which he could give to the subject, he thought that a temporary remedy was best adapted to the occasion; and he believed in his conscience that if a Commission to assist the Chancellor was appointed, all the arrears in the Court would be disposed of in the course of a year. He voted for the Committee.

The *Chancellor of the Exchequer* said, that they had now before them an account from the Lords, of the causes which had led to the suspension of justice in their House and in the Court of Chancery. In order to obviate the inconvenience in consequence of this, they had entered into a regulation to devote, after this session, a longer attendance to the hearing of causes. There now appeared to be 338 Appeal Causes in arrear. Their lordships had proposed, then, to give up three days in the week, from ten in the morning, till a great number of those arrears were discharged, and two days a week afterwards till they had disposed of them entirely. Many causes had concurred to a delay this session, which were not among the natural or average causes of delay, and therefore could not be considered as likely soon to occur again. He had only to instance the great time which was necessarily occupied in the consideration of the Banbury and Berkeley peerage causes. It had naturally occurred to their lordships, that if they were to sit for the consideration of Writs of Error at ten in the morning, that, of course, a deficiency must occur in the Court of Chancery. They then, in order to remedy this, suggested the creation of an additional judge in the Equity Court, which situation the new judge was to hold during his good behaviour, and not during pleasure. His hon. and learned friend seemed to doubt that Chancery business had encreased during late years. He owned he was very much surprised at this doubt, after hearing the statement that motions in that court had so multiplied. It had, however, been mentioned, either by his hon. and learned friend or by the hon. and learned gent. who moved for the Committee, as one of his great reasons for doing so, that the business of Chancery was so much encreased, that if a cause was now set down in the list, many years might elapse before a final judgment could be pronounced on it. From all he had heard, indeed, he was inclined to believe, that a very great increase of business had taken place in that court. He knew very well that many of the motions which lately occurred were motions of course; but he knew also from the statement submitted by the House of Lords, that there were many of a different description. For the ten years before the last there were 57,000 motions and 2,700 petitions; during the last ten years there were but 37,000 motions and 1,663 petitions. With respect to the measure which might be proposed by the Lords, he thought it much better to wait until their Bill came down, and then would be the proper time to discuss it. After what had been said, however, he must in fairness declare, that it was possible he should be for passing the Bill this session; but still of course, if delay was necessary to the adoption of a wise and proper remedy, no ill-advised expedition should thwart so desirable an object. As they had the chief cause of the arrears in the Court of Chancery already before them, he should vote against the appointment of a Committee.

Mr. *Ponsonby* denied that there was in the statement of the Lords one single satisfactory reason for the delay of justice in the Court of Chancery. The right hon. gent. had said, that the nnmber of motions which had of late been made, might account for the delay. What was the reason, however, of the increase of motions? Why simply, because the attorney or client in a cause could not get the opinion of the court directly on the cause itself; they were glad to come at it by a side-wind, in the way of a motion. Those motions, then, were the effect of the delay, and not the cause. The way proposed, however, to get rid of all these inconveniences, was by the appointment of a third judge; and the right hon. gent. would have the House wait for the Bill from the Lords before they came to a determination. But how were they to determine unless they enquired? or, how was it to be expected that a Bill was to get a fair consideration which would most probably not come down until there were not fifty members in town to consider it? He was aware that much extra business came before the court this last year, in consequence of the numerous bankruptcies; but he hoped the right hon. gent. did not mean so to govern the country as that he should calculate upon a similar recurrence of failures in future. As to the creation of a third judge, in his opinion it would rather go to encrease the delay than remedy it; because the Chancellor being the supreme judge in the court, every suitor had a right at last to claim his final opinion, which would be thus removed a step by the intervention of an intermediate jurisdiction, between him and the Master of the Rolls. In his opinion, however, the expedition of justice in the Court of Chancery depended, in a great degree, on the Chancellor himself. If the Chancellor was a man of knowledge and talents, and of a proper constitution of mind to decide on the causes, then the delay would not take place. Whether this was the case with the present Chancellor, or not, he would leave to others to determine. The delay in the Court of Chancery necessarily brought on the increase of appeals in the House of Lords; for where suitors imagined they could get any thing by delay, they naturally had recourse to it in any way in which they could. He was quite clear that this was a temporary evil, and ought therefore only to have a temporary remedy. At all events, the one which had been proposed could have no other effect than to aggravate and increase the existing inconvenience.

Mr. *Wilson* said, that his experience in the Court of Chancery, for twenty two years, had led him to conclude, that the business of that court had greatly increased; and hence, in part, originated the delay complained of. With the Report of the Lords before the House, the proposed enquiry appeared to him ill-timed and improper, and the House ought to suspend their opinion till the measure proposed by their lordships came before them in the shape of a Bill. He paid some high compliments to the talents of the present Lord Chancellor, who was equally distinguished for his enlarged comprehension of the principles of equity, and for his practical knowledge of the business of his court.

Mr. *Adam* entered into an examination of the Report which had been received from the other House of Parliament. The measure of creating another Master of the Rolls would not diminish the business of the Chancellor: it would only increase the number of appeals, for the suitors would be anxious to repair to the last resort, while it would impose a new expence on the public, and give the crown additional patronage. The Court of Chancery, as now constituted, was competent to the dispatch of all its business. What was to hinder the Master of the Rolls, for instance, from sitting at the same time with the Chancellor? At present he only sat in the evening. The Report of the Lords, though it stated the number of appeals from Scotland, was extremely defective in not stating how many were received every year, and how many were decided. He knew this fact, that at the time of the union with Ireland, he was employed as counsel in the very last case of appeal that then stood on the roll; and now they were multiplied to the number of 260.

Mr. *M. A. Taylor* rose to reply. He observed, that after the unanswerable arguments which his hon. friends had advanced in support of his motion, it would be intruding on the House, were he to occupy much more of their time. The delay in the dispatch of business could not admit of a doubt; and the House of Commons, who were the guardians of public justice, were now called upon to investigate whether those evils were owing to temporary causes, or to some radical defect in the nature and constitution of the tribunal itself? This was all he now asked of them to do. But it had been asserted, that the great increase of business had produced the delay complained of. He denied that there had been any sufficient evidence to prove the actual increase of business. The Report before them did not justify any such issue. It did not follow from any part of that Report, that the business had increased to such a degree as to require an additional judge. The arrear was, no doubt, enormous; but were they sure that the appointment of an additional judge would have the effect of expediting the dispatch of business? He thought, on the contrary, that it would rather contribute to retard it; because the great majority of suitors would not rest finally contented with the hearing given their respective causes by the additional judge, and would bring it to be reheard before the Chancellor himself; so that the obvious effect resulting from that appointment would be, that most cases would be twice heard. If there was no other reason for going into the Committee, he thought it to be a conclusive one, the necessity of ascertaining the causes of the delay which, as yet could have been presumed only, and not discovered after a fair and patient investigation —and if they did not know the cause of the evil, he did not know how they could remedy it. If, however, the appointment had been resolved upon, and that the House would be called upon to join in making it, he trusted that it would not be hurried into premature adoption at the close of a session. The appointment now could be only an additional expence to the public, without any additional good. The reason of this was obvious. That House, in all human probability, would not sit many weeks longer; when the parliament was prorogued the Lord Chancellor would of course be relieved from his attendance on his duties in the House of Lords; but the object of appointing an additional judge avowedly was to enable the Chancellor to give more of his attendance to the business before the House of Lords. When therefore that House was no longer sitting, the additional judge would not be wanting, and consequently, his appointment before the next session would be an unnecessary addition to the expences of the public.—The appeals now before the House of Lords were numerous beyond all precedent: there were at present not less than 296 appeals, exclusive of writs and Writs of Error. The Report then proposed that the Lord Chancellor should be enabled to devote as much time as possible to the hearing of those appeals: but what were three days in the week to get through such an arrear of business? at the utmost, he could not dispose of more than two appeals a week, which would be at the rate of about thirty or forty appeals in the course of the year; and would it be pretended for a moment that a remedy that could do nothing more than this, offered any effectual relief to the equity suitor? It was really telling him in so many words to be patient, and that perhaps his cause would come to a hearing in five or six years. In the times of lord Thurlow and lord Rosslyn, he did not believe that there had been a single arrear; it was so in the commission at which lord chief justice Eyre was at the head. As to the Report, he could not help saying, that he thought it one of the flimsiest and most jejune compositions he had ever seen. He defied any man in that House who opposed his present motion, to say, that it was a composition to which, on account of the unskilful and unprofessional manner it had been drawn up, he could wish to set his name. There was not a single reason specified for any one opinion it professed, or observation it had made, neither was there any cause assigned for the evils complained of—upon such a document he could not see how they were bound to take every thing for granted that had been thus vouched for by the Lords. The House of Commons was bound to hear and decide for itself upon the greatest question that that could come before them, namely, to ascertain the cause of the delay of justice—the Chancellor had been petitioned over and over again to hear causes where the parties were rotting in a gaol, but no remedy was in his power; ought not parliament to seek for one? He trusted that the Bill, however, would not come down to them that session. He strongly deprecated so serious a measure as that of changing the nature and constitution of the Court of Chancery, at the end of a session, by a vote of the House of Commons not amounting perhaps to more than fifty members. Why not a commission? This was a question to which he in vain sought for an answer. A new judge might have nothing to do. He remembered, though it was now some time since he had the honour of practising at the bar—but he remembered, when the Chancellor did every thing and the masters nothing. If they would relieve the Chancellor from some part of his heavy duties, why not separate from his office that part which had not originally belonged to it. But the truth was, he feared, that the profits of the commission were found to be too great to be very readily given up. Was the public to pay for this new Master of the Rolls? Why, then, not first ascertain the real emoluments of the Chancellor, and how those emoluments arose out of his labours? if of those labours there were some which he could not discharge, for such it was to be presumed he could not reasonably expect to be paid. Whatever part of the office he could not fill, of that part he ought not to receive the emoluments.—He had now only to call upon the House, which he did most earnestly, to pause before they agreed to pass the Bill coming down to them. This was no question of party politics, and yet, such was the fascination in going with the minister, that the very persons who had most zealously urged him to the prosecution of the present motion were those who were now most averse to it.

The House then divided:

For going into a Committee......36
Against it 36

The numbers being equal, the Speaker gave his casting vote in favour of the proposed inquiry. A Committee was then appointed, and instructed to search the Lords' Journals, touching all proceedings respecting appeals and Writs of Error before that House.

Mr. *Taylor* also moved, that it be an instruction to the Committee to examine into all the fees and emoluments taken by the Lord Chancellor in his jurisdiction of Chancellor, as well as in bankruptcy proceedings.

The *Chancellor of the Exchequer* thought that this point would be a subject of enquiry with the Committee now sitting on public offices. The instruction appeared, therefore, unnecessary and exceptionable.

Mr. *Ponsonby* believed, that the business of that Committee was to enquire into the profits of sinecure offices; and the office of Chancellor could never be considered as a sinecure. If another person was employed to relieve the Chancellor, it was but fit to consider whether that person should be paid by him who was relieved, or by the public. The enquiry, therefore, into the fees and emoluments of office was very necessary.

Mr. *Bankes* believed, that the powers of the Committee on sinecure offices did not extend to the office of Chancellor. There were some officers about the Chancellor who held sinecure situations, and received large fees, part of which went to the Chancellor. Into these offices the Committee on Sinecures could examine, but not into the emoluments of the Lord Chancellor.

The *Chancellor of the Erchequer* declined pressing his opposition, and the motion was agreed to.

VOTE OF CREDIT.] The House having resolved itself into a Committee of Supply,

The *Chancellor of the Exchequer* rose to propose a Vote of Credit, to the extent of which, he believed, there would be no objections, as it was the same that was granted last year. He should therefore move, That the sum of three millions be granted to his Majesty, as a Vote of Credit, to enable him to take such measures as may be necessary to defeat any enterprizes or designs of his enemies, and as the exigency of affairs may require.

Mr. *Whitbread* said, that he should not have offered any observations on the present motion, if he had an expectation that other opportunities would occur before the prorogation, of stating to the House what appeared to him to be of great importance with respect to the interests of the country. It appeared to him that there could no longer be any doubt whether our commercial warfare with Europe and with America had or had not been successful. He was sure that this question was settled beyond all doubt in the minds of the suffering manufacturers, whose petitions had been that day before the House, and whose claims the Chancellor of the Exchequer had very reluctantly allowed to go to a Committee. It had been already passed as a resolution by that House, "that since the year 1806, and particularly from the beginning of the year 1807, a system of proscription had been exercised by France which greatly diminished our exports to the continent." As far, then, as regarded the policy of this country with respect to Europe, it appeared, even from the resolution of that House, that the policy of this country had failed; and that the line of policy which France had adopted, as contrasted with our policy, and considered with respect to the objects which the enemy openly avowed, had been fully successful. With respect to America, also, the House had resolved, "that the intercourse with that country was uncertain and interrupted." It must be recollected, that a few years ago we had been told by the authors and advocates of the Orders in Council, that the trade with America would not be much affected by them; that trade would force its own way; that America would soon see her true interests; and that our intercourse with that country would remain undiminished. America, at that time, told this country, that if she persisted in orders so contrary to the rights of independent nations, she would suspend the intercourse between the two countries. The authors of our Orders in Council anticipated no evils from this measure; but the distresses of our munufacturers now clearly proved that great evils had resulted from it, and that the loss of the American market had been severely felt in this country. No man attempted to deny the sufferings of our manufacturers, or to say that they were overstated in their petitions. Their misery was sufficiently well known to the world, and the only reason alleged for not going into a Committee was the impossibility of giving them any substantial relief. If the enquiry should, however, now take place, he hoped that it might still be possible to prevail upon ministers to retrace their steps with respect to America, and to reopen that market to our exports. We had been often told, that it was impossible to repeal those Orders in Council, until the French decrees should have been repealed. If, however, the Berlin and Milan decrees were now actually repealed, why not repeal the Orders in Council? If there were doubts whether the French had really repealed those decrees or not, should not some experiment be made to learn whether they were sincere or not? When it had been in the power of ministers to put this matter to the test, it appeared to him, that a noble lord (the marquis Wellesley) had shewn a dilatoriness, and a negligence of conduct, which was quite astonishing. In his negociations with the American ambassador, he appeared to shew a considerable degree of inattention. The American minister had left the country; the negociations had completely broken off, and must recommence when Mr. Foster should arrive in America. The communications between the two governments had now been published by America, and he could conceive no other reason for having denied them to the House of Commons but merely to gain time. He could not avoid feeling very sincere regret, that a minister of such talents and such temper as Mr. Pinckney should have left the country. There never was a minister whose patience and forbearance had been more put to trial than Mr. Pinckney's, and he thought that it would be hardly possible to find a negociator equal to him, not only for supporting the interests of his own country, but for discussing with fairness the points which were disputed between the two countries. The course of the communications respecting the revocation of the French decrees was this: on the 25th of August, Mr. Pinckney communicated to the marquis Wellesley the revocation, expressing an expectation that the Orders in Council would be revoked also. The receipt of this letter was not acknowledged until the 31st of August. On the 12th of October, the British merchants applied to the Board of Trade to know whether the Orders in Council would be revoked in consequence of the revocation of the French decrees. The vice-president professed entire ignorance of the revocation on the part of France, and advised the merchants to call on the Chancellor of the Exchequer. That minister was then out of town; and no communication having been made to the merchants by the 9th of November, they, on that day, presented another memorial, and on the 12th of November, lord Bathurst saw the committee of merchants, and expressed a doubt of the decrees being really revoked by France, and a wish for some practical proof of it. The Committee immediately offered, as a way of obtaining this practical proof, to send off to France a rich American ship, which lay off Motherbank, if she could obtain protection from the admiralty cruisers. This offer was refused. On the 19th the Committee saw lord Wellesley, who expressed himself to the same effect as lord Bathurst had done. They offered to him the same means of obtaining a practical proof, and were again refused. What could be more strange than that ministers, after having always professed that their Orders in Council should only subsist while the French decrees were in force, should yet neither take any measures themselves to ascertain whether the revocation was real or not, but should refuse the practical proof when offered by the merchants. It appeared as if ministers were afraid to give up their darling object. Lord Wellesley, however, said, that he would give an answer in a few days. No answer, however, did arrive, and on the 22d of December the merchants presented another memorial; and on the 29th they saw Mr. Hamilton, the Under-secretary, who told them that ministers had no satisfactory proofs of France having actually given up her decrees. They again presented a memorial, on the 12th of January, without any better success. It did appear to him that during all this time lord Bathurst and lord Wellesley had shown gross inattention to those important interests which were involved in that question. On the 2d of November, the President of the United States published his proclamation, declaring that the Berlin and Milan decrees had been revoked. In consequence of this proclamation many vessels cleared out for France from America. Some of those vessels were taken by our cruisers, and the first of them was the Fox, the case of which was highly important, as governing the fate of the other vessels taken under similar circumstances. This vessel, the Fox, was claimed by the American minister on the ground that the French decrees having been repealed, the British Orders in Council ceased of course. To this claim no answer was made; but the king's advocate received a letter to suspend the proceedings until after the departure of Mr. Pinckney and Mr. Foster from this country. Sir William Scott was, however, the other day proceeding to give judgment against the claimants, and only suspended the judgment on its being stated to him that new evidence could be produced of the revocation of the French decrees. This new evidence was the letter of the duke of Bassano to the American Consul, Mr. Russel. Those who first brought forward these Orders in Council did so from the supposition that they would operate in favour of this country; but when they had witnessed the ill effects of them, he should have supposed that they would have been glad to escape from them, and would have taken the earliest opportunity of moving for rescinding them. By their licences they had been in the daily habit of violating their own system, and now they seemed to wish to preserve only that part which had been proved to be most prejudicial. All reciprocity of intercourse between this country and America was now at an end. America was ready to send her exports to this country, but not to receive ours in return. Such, too, was our intercourse with France. She allowed us, for her own interest, to purchase from her articles of the first necessity, but she would admit no exports from this country. Ministers had frequently been warned, that their system was attended with this great danger,—that America might be driven to manufacture for herself, and then even if the present misunderstanding should be settled, we should no longer find the market which it was in our power to have retained. Our exports might be encountered in America by domestic regulations made to protect their own manufactures. By a report of the progress of manufactures in America, it appeared that in the year 1810, there had been manufactured in the State of New York alone, above 3 millions of yards of woollen cloth, 5,700,000 yards of linen, and 211,000 of cotton cloth. By this report it was certainly intended to shew America that she could do without England. Ministers appeared to him to have been grossly inattentive to a subject of the highest importance. Whether they expected war or peace, he could not say; but it appeared to him, that commercial war must end in actual war; and that if the Orders in Council were not rescinded, there must soon be conflicts between the vessels of the different countries.—He had already had an opportunity of delivering his opinion respecting the policy of this country towards the States of Europe. He should not hesitate still to say, that he wished the advantage might be taken of the present favourable posture of affairs to try whether peace were practicable or not. He knew that he was charged with being ready to accept any peace at any time: but he trusted that he would be as unwilling as any gentleman to accept of peace on terms that were not honourable for this country. He was ready to pay the warmest tribute of his admiration to the merit which had been displayed by lord Wellington. Nothing which could happen in future could make him retract from that praise which he had given to what lord Wellington had already done; but looking at the many glorious and sanguinary battles which had lately taken place, he saw no ground for confidently anticipating a favourable result to the war. He therefore thought that it was a time that it would be proper to try whether peace might not be obtained on honourable and reasonable terms.—The other points to which he wished to direct the attention of the House was of a nature purely domestic. He could not help thinking, that with respect to the state of his Majesty's health, the country had not been fairly dealt with. Every day, from the 20th of February down to the 25th of May, the public were led to believe, by the Bulletins which were published, that his Majesty was recovering, and would be very soon fit to reassume the reins of government; and yet it now appeared that he was extremely ill, and the public had but little reason to suppose him better than he was many months ago. It appeared to him that there ought to be another examination of the physicians before the session was closed. On the former examination the physicians had said, that in proportion to the duration of the disease was the danger of a relapse. Now, if his Majesty were to recover and should be advised to re-assume his power when parliament was not sitting, and afterwards relapse, parliament would have in the next session the same tedious and operose machinery to go through again for the purpose of supplying the deficiency in the executive. When from the answers of the physicians it appeared that a relapse would be highly probable, he thought it was evident that some measures ought to be taken to prevent the country from being again for many months without any executive government. He had already given notice of an intention to propose some measure to guard against the recurrence of such a calamity, and he should certainly take an opportunity before the close of the session, of proposing something to that effect.

The *Chancellor of the Exchequer* allowed that on a question of supply every gentleman had a right to introduce whatever topics he thought proper into the discussion. He trusted, however, that the House would excuse him from going at any length, into the details of the various subjects introduced by the hon. gentleman in the speech he had just delivered, and be content with such observations as he thought it necessary to make upon the most prominent parts of it. When he submitted the Resolution he had just laid on the table to the consideration of the Committee, he had not entertained the slightest idea that the hon. gent. would go into so wide a field of argument on subjects, some of which, according to notice, he meant to bring forward for distinct and specific matter of debate. He could not, therefore, be supposed to come prepared to answer them fully when thus unexpectedly intoduced. With respect to the commercial question, he could only say, that there was no pretence for stating, in consequence of the petitions which had been alluded to, that the system had failed on our part, and that it had succeeded on the part of France. It was by no means fair to infer, that because certain extraordinary circumstances had happened in the course of the commerce of Europe, our trade and manufactures had alone been injured, and that France had not suffered in as great a proportion. This was a question on which many persons of great authority widely differed; and it was at present certainly undetermined. He for his own part, verily believed, that had we never made our Orders in Council, not a single part of the trade of the continent would have been different from what it now was, but the situation of France would undoubtedly have been far more advantageous, and her commercial concerns more prosperous, had we, as the hon. gentleman seemed to desire and recommend, acquiesced tamely in those decrees, and thereby degraded and debased the country by a sacrifice of its best and dearest rights, the careful maintenance of which had brought us to our present state of glory and comparative prosperity. If we looked to the affairs which had been passing in the Peninsula, we should find, that France, during the last six months, had not been able to pay her armies: on the contrary, we had in all that time never failed to pay ours to the utmost farthing. This was one instance of our superiority and advantage over France, for our trade alone had enabled us to do it; but if we turned our eyes to the general state of distress which pervaded the whole continent of Europe we should find that our own difficulties, great as they unquestionably were, bore but a small proportion to what were experienced abroad. The effects of our Orders in Council were not, as the hon. gent. and others had said, to prevent commerce, but to encourage it; and that they had done this one strong proof was, that in addition to his Milan and Berlin Decrees, the tyrant of Europe was obliged to resort to others which condemned our goods to be burnt, in order to get rid of them—those very goods which we had the means of getting into Europe in spite of all his tyranny and vigilance. He believed, indeed, there never was a proceeding which rendered more detestable the despotism of the ruler of France, than that of the above result, flowing altogether from our Orders in Council. With regard to what had fallen from the hon. gent. as to our commerce with America, he believed that no man in this country ever seriously believed the Milan and Berlin decrees were absolutely repealed. It was true they had been repealed prospectively and conditionally; that was to say, either when Great Britain should give up her orders in council, and also her blockade, which was stated to be a novelty. If we should consent to give up these, and all the maritime rights on which our present power was founded, then they were to be repealed; or, if we refused to give up our maritime rights, and America should take up arms against us, then they were to stand repealed as to America, but not as to us. Could any man suppose that this country would bear such an idea, or that it would endure any set of ministers who could countenance such degrading proceeding upon such bare and doubtful evidence! The manner in which the intelligence had been brought to us was not to be depended on; it came in such a questionable shape, as would by no means warrant us in repealing our Orders in Council. He hoped the House would not think it necessary that he should answer as to the particular applications made to lord Bathurst or lord Wellesley, or the answers returned; but he knew very well that his Majesty's ministers had never any wish to delay rescinding the Orders in Council, whenever they could be fairly satisfied that the Milan and Berlin decrees had been actually repealed. The hon. gentleman had asked whether he would agree to lay before the House such papers relative to the dispute with America as had not been published by the American government. To this he would answer, that if the hon. gent. had not the whole of them in his possession, he (the Chancellor of the Exchequer) would not consent to produce one, because, in the present state of the negotiation, nothing perhaps might turn out more injurious to the interests of both parties.—The hon. gent. had in the next place proceeded to the state of the Peninsula. On this head the Chancellor of the Exchequer said he gave him credit for a candid retraction of a former opinion; and the praises he bestowed on lord Wellington were highly honourable to his feelings. He could not, however, help thinking, that when the hon. gent. once took up any gloomy view in the prospective, he was not able easily to get rid of it, or to suffer it to brighten on his vision. Last year the hon. gent. wished every man we had in the Peninsula were at home; and now, after all our late brilliant successes, the hon. gent. had again his doubts as to the final issue of our efforts there. For his own part, he certainly could not venture to predict what would be the ultimate fate of our army in the Peninsula; but our prospects were, in his mind, much better now than they were when the hon. gent. last year looked on them with so desponding an eye. He might perhaps from the commencement of our interference have entertained more sanguine hopes of success than many others, but still he thought, as we were now joined by our allies with more spirit and enthusiasm than they at first evinced, and our generals having so repeatedly shewn that they could beat the most celebrated generals and the best disciplined troops of France; we might, without being accused of too much presumption, venture a hope, that our future efforts would not be in vain, and that we might still look forward without fear or dismay.—The hon. gent. had said, he thought we should still keep our eye fixed on peace, but feared the experiment had never been fairly tried. Whether that was the case or not, he would not pretend to decide. The last time it had been tried it was by those of whom the hon. gent. of course could not but think well, and they had tried it so long, that he believed the length to which the negociation was carried, had been universally allowed to have produced the most injurious consequences, not only to this country, but to all who were at that time in alliance with us.—As to the question of his having doubted the power of the House to grant money in the case of Mr. Palmer's claim, and then coming to it a few days afterwards for a vote of credit, he considered the cases to be very different, the one being the disposal of the supply, the other the supply itself.—With regard to the remaining argument respecting the King's health, it was time enough to speak of that when the hon. gentleman should bring forward the subject. All the argument urged for it was, that parliament, in case of the King's recovery, might be improperly prorogued; but there was no more reason to suppose that in this case, than in any other. He was then asked, whether he would have any objection to produce the examination of the physicians before the queen's council. He must confess he saw no reason for it at present, but it was time enough to debate that when the question was regularly brought before the House. Upon the whole, he was glad to find that the hon. gent. had no idea of refusing his assent to the motion, but had availed himself of the opportunity, rather for the purpose of delivering a speech than of obstructing the proceedings of government.

Mr. *Rose* defended the Orders in Council, and the answers given to the merchants by lords Bathurst and Wellesley.

Mr. *Baring* spoke against the Orders in

Council. He thought ministers might very safely and properly have rescinded them on the declaration by France to America that the Milan and Berlin decrees had been repealed. It was evident from the conduct of the French government, that Buonaparté was fearful we should think they were repealed, and dreaded our acting accordingly. He (Mr. B.) was of opinion, that if ministers had rescinded the Orders in Council at that time, Buonaparté would have been greatly mortified.

Mr. *Whitbread* asked the right hon. gent. to judge of the effects of their Orders in Council from the petitions on their table from so many thousands of their hitherto flourishing manufacturers? To consider if there could be found any where a body of men more distressed? If in any situation or in any country, they could find a body of industrious and ingenious men more helpless, or hopeless, than they. Then they might plume themselves on their Orders in Council, but not till then.

The Resolution was then put and agreed to.

British and Irish Militias' Interchange Bill.] On the third reading of this Bill,

Mr. *Parnell* expressed, on the part of the Catholics of Ireland, some apprehensions as to the security afforded to them by the Bill for the free exercise of their religion, on account of the very few places of Catholic worship in this country. He proposed a clause for appointing Catholic chaplains to the regiments.

Mr. *W. Fitzgerald* contended, that the Catholic soldier had been protected in the exercise of his faith, in consequence of the order of the commander in chief.

General *Mathew* was of opinion, the Catholics could not exercise their form of worship in many of the counties of England for want of Priests. He believed that the regiment of Tipperary, composed as they were, nine-tenths of Catholics, would not be secure in their worship.

Colonel *Bagwell* having the honour to command the regiment alluded to, wished to state, that he had communicated with the officers of his regiment upon the subject, and desired them to state, for the information of the soldiers, the debates upon the measure. The result of that communication was an unanimous desire, on the part of the regiment, to extend their services to England, satisfied that they would experience protection in their worship in the fullest degree.

Sir *John Newport* supported the clause.

Lord *Castlereagh* considered that the religion of the Catholics was perfectly secure without the clause of the hon. gent. which would not, if adopted, give any additional security.

Mr. *Ponsonby* insisted, that the Bill being compulsory, parliament were bound to insure protection to their religious rights, which the order of the commander in chief did not insure, because that order was revocable at pleasure.

Mr. Secretary *Ryder* denied that the Bill provided for the exercise of worship by an order of the commander in chief otherwise than as acted upon in Ireland. The right hon. gent. stated, that five or six other regiments, in addition to the Tipperary, had offered their services, convinced that in England they should be perfectly secure.

Mr. *Hutchinson* supported the clause, and Mr. Bankes opposed it.

Sir *J. C. Hippisley* contended, that the object of the proposed Clause was not the appointment of Roman Catholic chaplains to the several Irish regiments, as was apprehended, but to secure to the Roman Catholic soldier the free exercise of his religious opinions, not only by the permission of attendance, at reasonable times, at the service of his own communion, but to secure him also from a compulsive attendance at the service of the Established Church; and this latter provision he pressed most seriously on the attention of the House, as it militated much stronger against the feelings of Catholics to be compelled to attend such a service, than to be prevented from assisting at their own. The canons of their church; the rescrpts of sovereign pontiffs, and the injunctions of their bishops and pastors, were uniformly opposed to their appearance at places of worship of another communion, and these regulations are enforced by the practical censures of their church. If it be contended that Catholics do not complain to their commanding officers, it does not follow that they do not feel:—complaint on the part of the private soldier, we must be aware, might often expose him to serious difficulties.—The clause moved by his hon. friend was in fact a part of the memorable bill introduced in 1807, by a noble earl (Grey) who now enjoyed a seat in another House, and we know that the only avowed objection taken to that bill was the unlimited extent of a provision to empower his Majesty to grant military commissions to any of his Majesty's liege subjects, who should take and subscribe to the proposed oath and declaration. The enactment in favour of religious freedom of worship was proposed to be secured, not only by permission to the soldier, of whatever religious communion, dissenting from the church of England, to attend, at seasonable times, the public service of his own communion, but also that he should not be compelled to attend the religious service of the establishment; and those provisions were likewise secured by exposing any commissioned officer acting in violation of them, to be suspended or dismissed from his Majesty's service, by the sentence of a court martial.—The hon. baronet said, he wished to be understood as making no complaint that general orders had not been issued on reasonable application made to the proper officer, with a view to obviate the recurrence of such complaints. He knew, indeed, that four such general orders had been issued in the western district alone, by direction of his royal highness the Duke of York. Those general orders, however, had only a temporary operation, otherwise indeed the repetition could not have been urged.—Sir J. H. said he would not take up the time of the House, by adverting particularly to the great mass of testimony he had received on this head, and which was of the most unquestionable authority. He would barely mention, that since the discussion of this question in the present session, although the general orders had been pleaded to an officer commanding in a northern part of the kingdom, he did not think himself competent to grant permission to the Catholic soldiers of his corps to attend their own chapel, without a special recurrence to the general officer commanding the district, and having obtained his sanction, and permission accordingly given, to attend the service of their chapel, they nevertheless were afterwards marched to the established church with the rest of the regiment. It was unpleasant, sir J. H. said, to state in the House the names of the officers acting under the same influence of habitual practice, but he had no objection to state the several facts, and the authority on which they stood, to his Majesty's ministers.*

Sir J. H. said, that the facts respecting the Roman Catholic chaplains, had been much misconceived. Those chaplains who were appointed to the four regiments of Irish brigade, on the Irish establishment, were commissioned in consequence of a particular provision of the legislature, authorizing the reception of those corps, the officers and men being wholly Catholics, into his Majesty's service. The case of the Glengary regiment, which he had repeatedly mentioned in that House, was very differently circumstanced—it was a regiment raised in Great Britain, and under the ordinary provisions of the Mutiny Act; yet his Majesty's ministers did not scruple to recommend the appointment of a Roman Catholic priest as chaplain to that regiment, whose commission was signed by his Majesty, and gazetted in 1794.—This fact is the more remarkable, as in 1798 the law officers of the crown gave their official opinion, "that "advising his Majesty to grant a commission to a Roman Catholic, is a misdemeanor which may be the subject of "parliamentary animadversion, supposing "it not to be an offence directly punishable by any proceeding in the ordinary "courts of justice."

In the present instance, in the Irish militia regiments not avowedly and exclusively Catholic, though a very great majority were of this description, unquestionably it would be a very conciliating measure, to countenance the use of a small tract, or manual of devotion, which had been expressly drawn up, by the authority of the Roman Catholic prelate of the London district, and recommended to the use of the Catholics serving in the fleets and armies of Great Britain. An ardent hope was expressed, in the introduction to that work, that, by the authority of the legislature, and a just attention to the conscientious feelings of so numerous a body of his Majesty's subjects, Roman Catholic seamen and soldiers, they would be exempted, by law, from attending the service of the established church; and also, that they might be assembled in some convenient place, with the permission of their officers, and some one among them selected to read the form of prayer indicated in the manual. The general injunctions introduced in this little tract, as applying to the duties of allegiance, as well as social conduct towards those of a different communion, and particularly the explanation of the doctrines and practice of confession and absolution, are points certainly worthy of reference, especially as they are continually misrepresented, and most injuriously to the general interests of the state.

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* Sir J. H. immediately after his speech communicated several letters, &c. to the Chancellor of the Exchequer on this subject.

The House then divided, for the clause 21; against it 56; majority against the clause 35. The Bill was then passed.

HOUSE OF LORDS.

Thursday, June 6.

Vote of Credit.] The order of the day for taking into consideration his royal highness the Prince Regent's Message of yesterday, on this subject, being read,

The Earl of *Liverpool* rose, for the purpose of moving a corresponding Address to his royal highness on the occasion. He deemed it unnecessary to occupy their lordships' time, by offering any preliminary observations, as under the known circumstances of the times, the expediency, the necessity, and the policy of the measure proposed by the Message, were too evident to be dwelt on. He should, therefore, reserve himself for any objection that might possibly be offered. He would, however, state the sum proposed, or to be proposed in another place, as the extent of the Vote of Credit, namely, three millions for England, and two hundred thousand pounds for the service of Ireland. He repeated, that under such circumstances as the present, no rational objection could be made to the placing, for the purposes mentioned in his royal highness's Message, at the disposal of his Majesty's government, the sum alluded to, to be expended by ministers, on their responsibility, as the exigencies of the case might require. His lordship then moved an Address corresponding with his royal highness's Message, and assuring him of the ready concurrence of their lordships as desired.—On the question being put,

The Earl of *Suffolk* rose not to oppose the motion, but for the purpose of adverting to a very important consideration connected with the subject. He had always been of opinion, that it was only in the peninsula, that the French were to be attacked with any prospect of success. From the successes hitherto, he was induced to hope the contest would terminate in our favour. He wished, however, to be informed by the noble secretary of state, whether it was the intention of government to adopt measures for the embodying and duly disciplining a sufficient number of the Spanish troops, without which, the French could not be resisted with success, or effectual co-operation afforded. He deemed this a point of the highest importance, under the present circumstances, and a satisfactory answer on the subject would relieve his mind from a great deal of anxiety,

The Earl of *Liverpool* observed, that their lordships must feel the question to involve a point of considerable delicacy. He could, however, answer generally, that it was an object his Majesty's government had never lost sight of, and such steps as they deemed expedient had been taken on the subject; but he could not speak more explicitly, until such arrangements should be completed as might be regularly laid before the parliament. He would say thus much, both with respect to the description of troops alluded to by the noble earl, and of the officers who commanded them, that they were greatly advanced in point of discipline and general improvement within the last three months. And of this the occurrences at the late glorious action at Albuera, had afforded manifest proofs, by the gallantry, skill, and valour, displayed by that portion of the allied forces—forming a most rational ground for confidence, that in due time those troops would answer every possible expectation.

The question was again put, and the Address voted *nem. dis.*

HOUSE OF COMMONS.

Thursday, June 6.

Petition of the Protestants of Clare in favour of the Roman Catholics of Ireland.] Sir Edward O'Brien presented a Petition from his Majesty's loyal and dutiful subjects the Protestant gentry and freeholders of the county of Clare, setting forth,

"That the Petitioners, the gentry and freeholders of the county of Clare, members of the Established Church, beg leave to approach the House with the most cordial assurances of their inflexible loyalty to his Majesty's sacred person, family and government, and of their unalterable attachment to the genuine principles of our happy constitution; actuated by such loyalty and attachment, they deem it their duty respectfully to call the particular attention of the House to the situation of exclusion and inferiority in which their

Roman Catholic Brethren are placed, and they are deeply impressed with the conviction, that the removal of the restraints, privations and penalties under which they labour must effectually and immediately operate to combine the strength and consolidate the resources of the Empire; they do especially claim the attention of the House at the present awful and momentous crisis, when it is the interest and the duty of every faithful subject of these realms to promote and maintain an enthusiastic spirit of loyalty among his Majesty's subjects of every sect, and of every religious denomination; and, from the opportunity their country affords them of frequent intercourse with their Catholic fellow subjects, they can most solemnly assure the House there is nothing in their principles or conduct to justify or to palliate any system of exclusion or reserve towards them; and they are convinced, that to restore them to the full enjoyment of the constitution, is a debt due to justice and good policy, and they do not hesitate to declare, that such restoration is calculated, above all other measures, to support the independence, integrity and security of the empire, to promote harmony among fellow subjects, and charity among fellow Christians, and to combine every heart and hand in defence of our revered sovereign and of the only free constitution in the European world; and praying the House to relieve the Roman Catholics of Ireland from those laws by which they are at present afflicted, and, by so doing, to give all classes of his Majesty's subjects an equal interest in maintaining the security and independence of their common country."

Ordered, That the said Petition do lie upon the table.

Sierra Leone.] Mr. *W. Smith* rose in pursuance of the notice which he had given last night, to move for the rescinding of the motion for the production of papers relative to the colony of Sierra Leone, which had been made by an hon. gent. That motion had been made without any previous notice, and was for the production of papers, some of which would be unintelligible without others, and some contained gross and libellous matter against persons in this country, who were extremely anxious for the most minute investigation, and would have been happy if the hon. gent. could have gone into the enquiry this year, but as the session was so far advanced, there was little prospect of it. The only effect of the motion would be, that the Papers would lie on the table, which could answer no good end, and might be extremely prejudicial to the individuals whose characters were implicated. He therefore would move, "That the order for the production of Papers, relative to Sierra Leone, be rescinded."

The *Speaker* begged to suggest to the hon. member, that if the Address for the production of those Papers had been presented (and he understood it was), this motion would come too late. It would only be in the power of the House to impound the Papers, so as to prevent their contents from being known, or to present another Address to the Prince Regent on the subject. Perhaps the best plan would be to prevent the Papers from being printed in the present session.

Mr. W. Smith expressed his acquiescence in the proposition, which was adopted.

Complaint against Mr. Mansell Philipps, a Member.] Mr. *Lockhart* said, that he rose with considerable pain and reluctance on the present occasion, as the motion which it fell to his lot to make, deeply affected the honour and reputation of a Member of that House. The circumstances were attended with considerable notoriety, and were briefly as follows; an elector of Stafford, a Mr. Peter Batty, had applied to a member of that House, desiring to know how he should obtain the discharge of a marine, and had been told, that, on giving fifty guineas to the hon. member, the business should be effected: this practice was understood to be perfectly legal and common, and the sum desired was given. Some time after, an application was made respecting the discharge of the marine, and the hon. member said, that the money had been transmitted through the regular channels, and that the man would be immediately discharged, which, however, was not the case, and on more minute enquiry, it was found that the fifty guineas, instead of being applied to the purposes for which they were intended, were paid in discharge of an account to a grocer at Wimbledon! Upon this, the person who had intrusted this sum to the hon. member had preferred an indictment against him in the Epiphany session, 1809, in the county of Surry, but the hon. member did not think proper to appear to the indictment. The elector of Stafford had then applied for a warrant to several justices of the peace, in Surry, and to lord Ellenborough, who refused to grant it, for fear of infringing the privileges of the House. Thus situated, deprived of all redress through the ordinary channels of justice, Mr. Batty had drawn up a Petition to that honourable House, the prayer of which was, that an order might be issued to the hon. member to appear, and if the House in its wisdom did not grant that, that it would afford such other relief to the Petitioner, as might seem expedient. After what had gone abroad on this subject, and the investigation which was likely to take place, he felt no reluctance in stating, that the member implicated in this charge was Mr. Richard Mansell Philipps, one of the representatives for Stafford. He had had some communication with Mr. Philipps, and had been told by him, that he had directed his attorney to enquire into the business. He hoped the hon. member had taken such steps as were incumbent upon him; but as nothing had been done, he felt it his duty to bring it before the House. He had searched the Journals for the purpose of ascertaining whether the privileges of the House extended to the protection of the hon. member, but he could not find any exemption from process of indictment for offences; and in the year 1641, (certainly not a very propitious period to refer to), upon a report made to the House of Lords, they came to several resolutions, one of which was, that the privilege of parliament was not to extend to cases of breach of peace, or to any thing done out of parliament: and subsequent to that period, it appeared from the best authors, most of whom were summed up in the admirable work of Mr. Justice Blackstone, that no member could claim exemption for an indictable offence, or for any libellous publication. There, therefore, could exist no difficulty on the mode of proceeding in point of privilege; but, if the statement in the petition were true, there existed some difficulty from the opinions delivered by law authorities out of doors, that the privileges of the House intervened to prevent the administration of justice to the party aggrieved.

The *Speaker* observed, that as the hon. member had brought forward a very grave case, deeply affecting the reputation of a member of that House, who was absent, it would be more regular, before the petition was presented, to give an opportunity to that member to be present, by appointing a day for bringing the subject forward.

Mr. *Lockhart* approved of the suggestion of the Speaker, and moved, "That Mr. Richard Mansell Philipps be required to attend in his place upon tomorrow se'nnight;" which was agreed to.

VICE ADMIRALTY COURT OF MALTA.] Lord *Cochrane* rose to make the motion of which he had give notice. The noble lord began by stating that he had before had occasion to trouble the House on this subject, but he then failed in his attempt to obtain justice, on the ground that there was not sufficient evidence of the facts stated to warrant the House in entertaining his motion. He had since however personally been at Malta, and had procured such a chain of evidence, that if the House should now be pleased to entertain his motion, he had no doubt but he should be able to lay before them such a connected string of evidence of flagrant abuses in the Vice-Admiralty Court at the Island of Malta, as would astonish all who heard it. He would undertake to prove, that if the Court of Admiralty at home would do their duty one third of the naval force now employed in the Mediterranean would be sufficient for all purposes for which it was employed there, and that a saving might be made in the naval service alone of at least five millions sterling a year. If the Committee for which he moved last year had been granted, the evidence to prove this might now have been before the House. The noble lord then read a letter from a captain of a vessel at the Cape of Good Hope, complaining "that the officers of ships of war were so pillaged by those of the Vice-Admiralty Courts, that he wished to know how they could be relieved; whether they could be allowed the liberty to send their prizes home, and how far the jurisdiction of the Vice Admiralty Court extended, for that the charges of that Court were so exorbitant, it required the whole amount of the value of a good prize to satisfy them. In the case of one vessel that was sold for eleven thousand rupees, the charges amounted to more than ten thousand. This was the case at Penang, Malacca, and other places, as well as at the Cape. He would not, however, wish to dwell on this, but put it to the feelings of the House, whether naval officers had any stimulus to do even their duty, when the prizes they took would not pay the fees of the Vice-Admiralty Courts.

merely for condemning them? It had been stated the other day at some meeting or dinner, by a very grave personage, the lord Chancellor, that the ships of France were only to be found in our ports. If that statement were believed by ministers, he should be glad to know why we at this moment kept up 140 sail of the line, and frigates and sloops of war in proportion to that number. His lordship then produced the copy of a Proctor's Bill in the Island of Malta, which he said measured six fathoms and a quarter, and contained many curious charges. [The unrolling this copy caused a general laugh, as it appeared long enough to reach from one end of the House to the other.] This Proctor, the noble lord said, acted in the double capacity of Proctor and Marshal; and in the former capacity feed himself for consulting and instructing himself as counsel, jury, and judge, which he himself represented in the character of Marshal; so that all those fees were for himself in the one character, and paid to the same himself in the other. He then read several of the fees, which ran thus—for attending the Marshal (himself) 2 crowns, 2 scudi, and 2 reals; and so on, in several other capacities in which he attended, consulted and instructed himself, were charged several fees to the same amount. An hon. member, not then in the House, had last year opposed the motion he had brought forward for a Committee to enquire into this subject; but on seeing these articles of this his own proctor's Bill, his lordship flattered himself, that the hon. member would now join in the support of the present motion. The noble lord said he had produced the copy of the Bill to shew the length of it. He then shewed the original; and to shew the equity and moderation of the Vice-Admiralty Court, he read one article, where, on the taxation of a Bill, the Court, for deducting 50 crowns, charged 35 crowns for their trouble in doing it. A vessel was valued at 8,608 crowns, and the Marshal received one per cent, for delivering her, and in the end, the net proceeds amounted to no more than 1,900 crowns out of 8608—all the rest had been embezzled and swallowed up in the Prize Court. He was sorry, he said, to trespass on the time of the House, on a day when another matter of importance was to come before them. He pledged himself, however, that no subject could be introduced more highly deserving their serious attention and consideration. He would not trouble them with any thing concerning himself, because he trusted he had a remedy elsewhere. The noble lord then stated, that altering or regulating the fees established by the King in council, for the Island of Malta, was contrary to Act of Parliament; that when he went to Malta, five years ago, he found the fees very exorbitant; and in order to prove to the House that the fees demanded now were fees which had been altered since the table of fees was sent out, the noble lord mentioned an instance of thirteen small vessels which had been taken by the gallant captain Brenton, who lately lost his arm in the service, being brought into the Vice-Admiralty Court for condemnation: the charge made for doing that act (which must be done before the prizes could be sold,) was 3,767 crowns; but on a severe remonstrance from Captain Brenton, the Judge deducted 3,504 crowns, and was glad to accept 263 crowns, instead of 3,767, rather than have a noise made about it in England. He could assure the House, the subject was well worthy their attention; and if the Lords of the Admiralty knew all the circumstances, he was confident that, instead of opposing, they would support his motion. He meant to accuse the Judge, the Marshal, and the Register of the Court, with abuse of their offices, and concluded by moving, "That there be laid before this House, 1. Copy of the Commission or Appointment of Dr. Sewell to officiate as Judge of the Vice Admiralty Court of Malta. 2. Copy of the Commission or Appointment of Mr. John Jackson to the office of Marshal of the said Court. 3. List of the Proctors officiating in the said Court, with the dates of their admission. 4. Copy of the Appointment of Mr. Locker to execute the office of Register of the said Court. 5. Copies of the several deputations given by the Register and the Marshal of the said Court to their respective deputies to the end of February last; together with the notifications of those appointments to the High Court of Admiralty, or the Board of Admiralty, with the reasons assigned for such nominations or appointments. 6. Copies of any representations made to the Lords Commissioners of the Admiralty regarding the incompatibility of the situations of Proctor and Marshal united at Malta in the person of Mr. Jackson, and the consequent correspondence with the Court of Admiralty, or the Judge of the Court of Admiralty, on that subject. 7. Copy of any

Table of Fees established by his Majesty in Council, and furnished to the Courts of Vice Admiralty under the Act of 45 Geo. 3, c. 72, or any other Act of Parliament. 8. Copy of the Table of Fees by which the charges were made on the suitors in the Court at Malta. 9. Copy of the Authority by virtue of which the Judges of the Vice Admiralty Courts are empowered to alter or amend the Table aforesaid, or to make any other Table of Fees, to regulate the charges incurred by the suitors in that Court. 10. Copies of Official Demands made, or Official Correspondence which has taken place, between the Judge of the Vice Admiralty Court at Gibraltar, or at Malta, with the High Court of Admiralty, or with the Judge of the High Court of Admiralty, requiring or regarding a Table of Fees to be sent for the guidance of those Courts, or either of them. 11. List of the number of vessels that have been prosecuted in the Court of Vice Admiralty at Malta, and which have been liberated on payment of costs and damages or otherwise. 12. Copies of the Appointments which —— Wood, esq., late Secretary to lord viscount Castlereagh, holds in the Island of Malta."

Mr. *Yorke* said, that he did not mean to object to the production of the greater part of the papers moved for by the noble lord. His motion seemed to charge with extortion the persons connected with the Admiralty Court of Malta; and certainly the *prima facie* appeared to justify it, and some reform might be necessary in some of the departments, which induced him to acquiesce in the general features of the noble lord's motion; but some difficulty might exist in the production of one or two of the papers he moved for, as they possibly implicated some private correspondence, which it would be improper to produce. Many of the papers moved for must be brought from Malta; and therefore it would be impossible that the investigation could take place this session; and he hoped the noble lord would, on examination, if he found just ground, persevere in his motion, as it was certainly highly proper for the dignity of the House and the due management of the affairs of the country, that a remedy should be applied to those evils, if they existed.

Sir *John Nicholl* (King's Advocate) while he admitted with the first Lord of the Admiralty, that the case, as it stood at present, called for inquiry, thought proper at the same time to state, in the absence of his learned friend (sir W. Scott) that he had no controul over the Vice-Admiralty Court of Malta in matters of prize. The Appeal laid to the King in Council, and his learned friend was not in the smallest degree responsible. If the abuses charged by the noble lord existed, they ought to be corrected; but his doubt was as to the means. His Majesty in council had authority to correct abuses as to fees, &c.; but no application, as far as he knew, had been made in that quarter. It was the fashion now to come to parliament in such cases. As to the character of the judge of the Prize Court at Malta, he not having been in the habit of corresponding with him, could not undertake to speak positively to that point. Having practised with him for some time at the same bar, he had every reason to believe that he was a man of talent and integrity, and the noble lord knew that he was not wanting in spirit to execute what he thought right. He was absent, and he was a Judge—and no prejudices ought to be admitted against him till he had an opportunity of being heard in his defence. He hoped the noble lord was under a misapprehension. The regulation of the fees had been probably left to the judge, because he himself could hardly have any interest in augmenting them. They could hardly fall below 2,000*l.* to which sum only he was entitled out of them. From the failure of the noble lord in substantiating charges made by him on former occasions, it might be fairly inferred that accusations preferred by him might possibly turn out to be unfounded.

Sir *Francis Burdett* said, he should have made no observation on the subject, after having seconded the motion, but from what had fallen from the right hon. gent. who had just sat down, that his noble colleague had not substantiated the charges he formerly brought forward. The reason of this was obvious; the noble lord had never had an opportunity given him to substantiate his charges. He had pledged himself to prove them at the bar of the House, but his motion for a committee was negatived.

Mr. *Rose* said, that when abuses in the Vice-Admiralty Courts abroad were detected, measures were always taken to rectify them, and proceedings were at present pending against three of those courts. But he defied the noble lord to point out any impropriety in the Admiralty Courts at home. After the minutest investigation, he could not find a single ground of complaint against the officers of that Court. The proctor for the navy was remarkable for his attention and integrity, and his charges were more moderate than those of any other proctor. The interests of the officers of the navy were as well attended to as those of any individual. The noble lord had failed in two charges on former occasions. He had brought charges against the Admiralty Court, and against the government for the treatment of the prisoners of war. Both were utterly unfounded. The prisoners, as had been found on inquiry, were even more healthy than our Militia regiments.

Mr. *Lyttleton* said, the right hon. gent. who spoke last had allowed abuses existed; he did not know whether it was so or not, but he knew several officers of the navy of the highest character, who complained loudly that there were, and this was in his opinion good ground for granting the present motion.

Lord *Cochrane* stated, that having complained to the Admiralty here of a grievance in being obliged to submit to exorbitant charges in the prosecution of a prize cause at Malta, the opinions of the Attorney and Solicitor General and other lawyers, had been put into his hands, purporting that his plan was to apply to the Judge at Malta. He wrote to the Judge accordingly, who referred him to the Proctor, as he did not choose to enter into private correspondence with suitors in causes before him. He then wrote to the Proctor, who sent for answer that it was unprecedented to demand a bill to be taxed that had been paid so long ago as 1808; so that he thought his having got the money a good reason for not parting with it. He then wrote to the Judge, but got no answer; and this was the redress he got in the quarter where the crown law officers had advised him to apply. The noble lord further observed, that in opposition to the act of the 45th of the King, the Judge at Malta had not only established, but altered the table of fees. An allusion had been made to the spirited conduct of the judge; but he had affidavits of captain Maxwell and others, who were present, that the Judge had admitted that he had no proof of the crime for which he (lord C.) had been sent to gaol. Against him, however, he would proceed in another way, unless he should find it necessary to call for the interference of the House to bring this Judge home. He had consulted lawyers, and understood that he could not proceed against him till he came to this country. As to his former charges, he had been denied the opportunity of proving them. He concluded by repeating his charges of extortion, &c. against the Judge and Marshal.

Mr. *Rose* denied that the prisoners of war had been neglected.

Mr. *Brand*, having made inquiries as to the state of the prisoners at war, thought it his duty to mention the result, which was, that they were as healthy even at Dartmoor, as persons placed in the most favourable situations.

Mr. *Whitbread* said, that if the official correspondence did not clear up the case, he would move for further papers if no one else did.

Some alterations were then made in the motions in consequence of a difference of opinion as to the construction of the 45th of the King, relative to the establishment of tables of fees in the Prize Courts; after which they were all carried.

RE-APPOINTMENT OF THE DUKE OF YORK TO THE OFFICE OF COMMANDER IN CHIEF.] Lord *Milton* rose to submit his promised motion on the subject of the reappointment of the Duke of York to the office of Commander in Chief. In undertaking this duty, which he felt himself little competent to discharge, he heartily wished that the matter had been taken up by some member of longer experience and greater weight in the House. This was a subject deserving of the most serious attention of the House of Commons. If the two Houses of Parliament were at all competent to controul the execution of the public business, the matter which he now brought before them, imperiously called for their interference. If in any case the appointment of public officers ought to be inquired into, and animadverted upon, it was in a case of this description. It must be in the recollection of the House, that it had been on a former occasion engaged in a long and laborious discussion relative to the illustrious person who had lately been reinstated in the office of Commander in Chief. It must be in the recollection of the House, how the discussion had terminated: it must be in its recollection, what motions had been made on the subject, both those which had been negatived, and those which remained on the Journals. It was not his intention to enter at all into the evidence given on the occasion to which he alluded. The result was all that he had now to do with. The House must remember, that the first motion was for an Address to the King, charging his Royal Highness with personal corruption and connivance. This proposition was negatived, and he himself was one of those who had voted against it. But he was not therefore of opinion that the Duke of York was absolved from the minor charges that had been brought against him. He thought he had been guilty of that criminal negligence bordering on connivance which rendered it impossible for him to continue in office. In this opinion the majority of the House perhaps did not concur, but there was every reason to believe that the majority of the House was then prepared to have come to a resolution which must have led to the resignation of his Royal Highness. He himself was not in the House at the time of the transaction which he was about to state, but he understood that a motion had been made by a right hon. gentleman, the member for Bristol (Mr. Bathurst) that must have had the effect of excluding the Duke of York from office. If the motion had been brought to a division, either that or something like it would certainly have passed; but an Amendment had been proposed by a noble friend of his (lord Althorpe) stateing that, as the Duke of York had resigned his situation, it was unnecessary now to proceed any farther in the business. With the exception of the word 'now,' that Amendment stood on the Journals: it stood on their Journals that the reason why the House had not proceeded to a vote which must have been followed by the exclusion of his Royal Highness from office, was, that he had resigned. What other construction did the resolution of his noble friend admit of than this in substance, that if his Royal Highness had not resigned, the House would in that case have felt it necessary to have adopted some further course of proceeding? In so understanding that Resolution, he contended that he was putting upon it no forced construction, but one that arose fairly out of the obvious interpretation of it.

It was upon this ground that he rested the motion which he intended to submit to their consideration. The object of that motion was to maintain the dignity of that House, which appeared to him to be not slightly questioned in the re-appointment of his royal highness; and by maintaining the dignity of that House, he thought he took the most effectual means to uphold the reputation of the government, and to secure the purity of administration. He was well aware to what misconstruction he was liable as to the motives that had influenced him in taking the step he had done. It might be imputed to him, that he had been solely actuated by the poor ambition of courting a little transient popularity. Whether that actually was his character, or ought to be his character, he should leave to others to determine; but this he would say, that with the opinions he entertained of the re-appointment of his royal highness the duke of York, and with the deep sense of his public duty which such opinions had necessarily impressed upon him: if, under such a conviction, he had swerved from that duty, or had permitted any personal considerations to have obstructed him in the discharge of it, in that case he should have richly merited all the reproaches that could possibly have been cast upon him. This, however, he had not done; he had seen his duty, and had seen also that it would be a most painful one to perform; but, painful as it might be, he had resolved to follow it up as faithfully as he could, whether through evil report or good report. Thus much as to his motives. With respect, then, to the re-appointment of his Royal Highness, he would ask the House if they could agree to sanction an appointment made in virtual opposition to their own recorded sentiments? for the resignation was the result of the opinion known to prevail in that House, and the approving of the re-appointment would be in effect a censure upon the Parliament itself, as the same fact would have been in that case approved of and reprobated by the same Parliament. Was it to be maintained that a great public officer—the higher the office the stronger the argument—who had been driven into resignation by the vote of that House, should scarcely two years after be brought back into that office for which Parliament thought him unfit. This was the principal ground on which he wished to rest the motion he intended to make, because upon that ground was the character of the House affected, in case it suffered the re-appointment of his Royal Highness to pass unnoticed. If, indeed, there were persons whose uniform wish and aim it was to weaken the constitutional influence of that

House, by systematically degrading and vilifying its character, such persons, he was sure, must have rejoiced if they had seen no man stand forward to call their attention to such an instance of disrespect towards the declared opinions of that House—not that he claimed any merit for having taken that duty upon himself, since he had already acknowledged, that with the impressions upon his mind, had he hesitated to do so, he would have been highly criminal.

It might be objected, that though the House did at that period wish for the resignation of his Royal Highness, they did not intend to exclude him from all chance of return to office, and that upon this principle the punishment of his Royal Highness might be considered as fully commensurate to the extent of his offences; to this objection he was prepared to answer by saying, that he never would admit deprivation of office to be in itself a punishment—incapacitation for office was, he allowed, a punishment, but not mere deprivation. He denied, therefore, that his Royal Highness had been punished, but even admitting that he had, how did that affect the consideration of the fact, that he had been declared by that House unfit for that office. Now, if in March 1809, his Royal Highness was unfit for that situation, what since could have made him fit for it? The House thought him then unfit; what had since occurred to alter their opinion? He was pained to put it this way, and thus to question the character of a personage whose character every one must wish to have been unquestionable, but the fault was not in him, but in the conduct of his Royal Highness, which had unfortunately made it otherwise. The noble lord said he could not shut his eyes; he had seen what that conduct had been, and could not think of it, or speak of it in any other terms than it deserved. He repeated, that he could not understand how, if his Royal Highness was unfit for the situation of Commander in Chief in the year 1809, he could be fit for it in 1811. Upon this point he could not help dwelling as he had done, for it appeared to him to be one that involved in it insurmountable objections to his Royal Highness's restoration.

The noble lord said he knew that certain transactions had come to light since the inquiry, which it might be contended had a tendency very materially to change the general opinion upon that question; but he was afraid that those who took up that line of defending the restoration of his Royal Highness, would find it a very difficult task; for though the subsequent discovery of such transactions might make for the duke of York in one point, it yet made tenfold against him in others; for though his Royal Highness had been the victim of a foul conspiracy—(Here the noble lord was interrupted by a general cry of Hear! hear! from all parts of the House)—yet did the gentlemen who cried hear! recollect, that the truth of that subsequent discovery rested solely upon the testimony of that very person who had been the chief and material witness against his Royal Highness himself. Indeed, there were many persons who, he had observed, seemed prepared to argue the entire of this question, as if the character of the duke of York did not stand upon the same principle as that of any other man, and that instead of judging of that character from the customary evidence of his own actions, we were to determine according to the comparative testimony of them with that of others. So that the character of his Royal Highness was not to be in the fair and direct proportion of the rectitude or obloquy of his own conduct; but to have, as it were, an inverse relation to that of others—that was, to rise as the charac- of another fell, and to be respected in proportion as that other was despised. This would be to make a man's reputation depend not upon himself but others. In the inquiry, the noble lord said he had voted not upon authority, but evidence. If nothing had been done to subvert the evidence at that time, with what face did the present ministers come before the House to justify their recommendation of the duke of York to an office which (he was sorry to be obliged to say) he had disgraced the administration of. Would it be contended that the opinion of that House had not caused his Royal Highness's resignation? If it had not caused that resignation, he should be glad to know what had caused it; and if it had caused it, he demanded of the Prince Regent's ministers to state upon what ground they took upon themselves to advise the restoration of his royal highness. The Resolution upon their Journals stated that his royal highness having resigned, it was unnecessary to pursue the business any farther, which was saying, in other words, that if he had not resigned they would have felt it necessary to take some farther proceeding to bring about that resignation. To this Resolution the ministers themselves had been parties. He now called upon them to shew the paramount necessity of re-appointing his royal highness in defiance of that Resolution, to which they and the House were pledged. He should not now enter into the question, whether persons of such exalted rank and station were the fittest to select for offices of such great importance and high responsibility, but he challenged the ministers to say, if they would have ventured to have recommended to that office a person in every way similarly circumstanced as the duke of York, his rank excepted. He was convinced that they would not have so ventured, though he thought, that if the consideration of rank made any difference, it ought to have been one more objectionable to those of that rank, than to those below it. There were, he believed, many individuals in the country, one of them had lately died, but that consideration was not necessary to make him abstain from any observation that might appear harsh; but there were persons who had been similarly circumstanced with the duke of York, who might, if deprivation was punishment, upon equally just grounds, put in their claim to restoration. What would be the difference? The difference, if any, would be against his royal highness, for the noble lord said he ventured to lay down as a position, perfectly maintainable, that the higher the rank of the person in such a case the more imperious the necessity for that House to interfere. He left it then to the ministers to say, why, if they recommended the re-appointment of the duke of York, they refused to recommend the restoration of lord Melville, not that he meant to institute the remotest comparison between the two cases in their separate details; but they so far agreed in their result of deprivation of office to both parties, one of whom had been reappointed, and the other had in vain applied to be restored.

Mr. *Hope* here called the noble lord to order. He was proceeding to set the noble lord right as to some supposed mistake respecting lord Melville, when a general cry of Chair! Chair! called up

The *Speaker*, who said that the observations of the hon. member did not appear to him to apply to any question of order, and to such only could he then speak.

Mr. *Hope* then apologized for the liberty he had inadvertently taken, and sat down.

Lord *Milton* proceeded, in continuation, to press the comparison between the duke of York and lord Melville as far as respected their common deprivation of office, and required to know upon what principle, peculiarly advantageous to the duke of York's case, he had been re-appointed and lord Melville not. He thought that there was in the difference of rank all that should awaken their jealousy. The higher the personage was, the more cautious the House should be; and the nearer his alliance to courts, and to the crown, the greater should be the vigilance that pursued his conduct. Upon these grounds, and conceiving that no reason could be adduced to shew that his Royal Highness was more fit in 1811 than in 1809, he had brought forward his motion. He did not wish to hurt the private feelings of any individual, but he must do his duty; for if the members of the House of Commons did not in many instances sacrifice their feelings to their justice, it would be impossible that they could discharge their duty to the people. He hoped the House of Commons would vindicate its character upon this occasion: he hoped it would shew that it was not to be treated in an insulting manner, and that the interests of the people were not to be sacrificed to the caprices of an impure administration. Ministers should be reminded that there was no public officer, however exalted his rank, whose responsibility was not within the cognizance of that House; this had been at all times an useful lesson; and, in his mind, the case he had made out to the House made it necessary now to repeat that lesson, which he should now call upon the House to do, by maintaining their character, in the declaration of their consistency. The noble lord then moved, "That the entry in the Journal of this House, of the 20th day of March 1809, of the resolution of the House upon the subject of the investigation into the conduct of his royal highness the duke of York as commander in chief, might be read:"—and the same was read, as follows: "Resolved, That his royal highness "the duke of York, having resigned the 'command of the army, this House does 'not think it necessary to proceed any 'further in the consideration of the minutes 'of evidence taken before the Committee, 'who were appointed to investigate the 'conduct of his royal highness the duke of 'York, so far as they relate to his royal 'highness.' He also moved, "That the entry in the Journal of this House, of the

17th day of March 1809, of the resolution of the House upon the subject of the said investigation, might be read:"—and the same was read, as follows:

'Resolved, that it is the opinion of this 'House, after the fullest and most attentive 'consideration of all the evidence reported 'to this House, from the Committee of the 'whole House, appointed to investigate the 'conduct of his royal highness, the Duke of 'York, that the said evidence affords no 'ground for this House to charge his royal 'highness, in the execution of his official 'duties as commander in chief, with the per'sonal corruption alledged against him in 'that evidence, or with any connivance at 'the corrupt and infamous practices which 'are therein disclosed.'—The noble lord 'then concluded with moving the following resolution: "That, upon a deliberate consideration of the recent circumstances under which his royal highness the duke of York retired from the command of the army in March 1809, it appears to this House that it has been highly improper and indecorous in the advisers of the Prince Regent to have recommended to his royal highness, the re-appointment of the duke of York to the office of commander in chief."

The *Chancellor of the Exchequer* said, that however full and complete in his own mind were the grounds upon which he meant to rest what he had to offer in answer to the speech and motion of the noble lord, and however satisfactory they might appear to the minds of others, yet all he had to say lay within so narrow a compass, and was of a nature so clear and obvious, that it would not be necessary for him to trespass at any considerable length upon the attention of the House. And first, he was anxious to assure the noble lord, that in what should fall from him he would not be at all influenced by any desire to shake off from himself or his colleagues the smallest portion of that responsibility in which they stood constitutionally bound to the House and to the country. He wished it to be distinctly understood, that the recommending the appointment of his royal highness the duke of York to the command of the army, was an act for which, be it right or be it wrong, his Majesty's servants were collectively and individually responsible, in fact as well as in law; and he was the more anxious to make this statement, because there seemed to have been something like an attempt to have it supposed that this was an act from which the ministers had been anxious to withdraw themselves.

He begged now to state the circumstances that led to the re-appointment. The House was aware that the gallant officer who lately filled the situation of commander in chief, had been known and recommended by his tried and eminent services, but that he was also of advanced age. He had spent nearly half a century in the active and zealous service of his country. In the early part of the winter he had contracted an illness, arising from a cold, which obliged him to apply for liberty to retire from the arduous duties of his office. This application had first been made at the commencement of the present year, and had since that period been repeated so frequently and earnestly, that it became a matter of necessity and justice both towards the gallant officer and the public, to yield to it, and the office, of course, became vacant.

In the present state of the country he believed the House would think with him, that the office of commander in chief was one which ought not to be suffered to remain vacant. Then, as to the principle of the advice which in that case it became the duty of his Majesty's ministers to offer. Upon this head, he avowed that there was not in his mind, nor in those of his colleagues, the slightest hesitation as to the person whom they should recommend to be appointed. When they looked back to the nature of those tried and eminent services rendered to the army by his royal highness the duke of York, they were left no choice; and it was worthy of remark, that in the whole progress of those painful debates upon the inquiry, no gentleman hesitated to acknowledge the skill, industry, and talents evinced by his royal highness, in consulting the good of the army in general, in advancing the military character, promoting its discipline, and bettering the condition of the private soldier. Considering those services, and comparing them with the claims of others, his Majesty's ministers were bound, by every sense of public duty, to give the preference of recommendation to him only who best deserved it. Neither did it appear to them to be the least among the many leading qualifications of his royal highness, that there was in the army no indisposition to be placed under his command (Hear, hear!). He did not say that such a qualification was indispensible; he did not say that the opinion of the army upon such an appointment ought to be allowed to interfere at all in some cases, or in any materially, but this he did say, that the wishes of the army were not in this case an objection. And indeed, though he did not urge it by way of argument, yet he could not help thinking, that if ever there was a period at which the feelings of the army deserved to be anticipated by the wishes of their grateful country, that period was the present. This, however, he did not assign as a reason, but mentioned rather as a circumstance favourable to the reasons he had assigned.—But the noble lord argued as if the selection of H. R. H. was not open to his Majesty's ministers; as if they could not constitutionally recommend him to that appointment. What was the Resolution upon which the noble lord laid so much stress? Was it meant to be eternal in its operation? Was it meant to exclude the duke of York for ever? If not for ever, then what was the period of time during which it became criminal in his Majesty's ministers to advise his restoration? Let the House see what were the Resolutions. The first distinctly acquitted his royal highness of all species of corruption. After that acquittal, he solicited his Majesty to accept his resignation. Here the noble lord presumed what he could not prove: he contended that the resignation of his royal highness was the result of the opinion of that House. The noble lord had no means of knowing that opinion. There were, indeed, various opinions among the members of that House, of whom some might have thought that his royal highness ought to resign, and many others certainly did think that such resignation was by no means called for. The noble lord had alluded to the Amendment proposed by his right hon. friend (Mr. Bathurst), as a motion which would have been carried, and which, if carried, must have had the effect of removing the duke of York. Did the noble lord mean to say that that removal was the object of the mover of that Amendment? If he did, he apprehended he was in error, for if his memory served him, he recollected his right hon. friend stating, in the speech with which he prefaced that Amendment, that it was not his wish or object to remove his royal highness [here Mr. Bathurst signified his assent]. He was right, then in point of fact, as to the intention of the mover of that Amendment, and could not be wrong in inferring from that fact, that it was more probable that that Amendment would not have displaced the duke of York; so that the noble lord's argument was but conjecture, and conjecture professedly grounded upon that which justified an opposite conjecture. There was excited at the time of that painful discussion, a feeling of irritability in the public mind, which the duke of York knowing himself to have been the inadvertent cause of, might have felt it his duty to endeavour to allay, or to remove at the expence of any personal sacrifice. Might he not have felt it a duty to try to compose, by his resignation, the industriously excited feelings of the public, which might in its consequences have created embarrassments to his father's government? This he thought to be at least as probable, and certainly as charitable a conjecture of the motives of his royal highness in retiring, as that presumed by the noble lord.

He should follow the becoming example set him by the noble lord, and confine himself to the result of the inquiry, without dwelling upon the circumstances that led to that result, or animadverting upon the transactions which had come to light since that inquiry (hear! hear!) though he thought that he might deviate from such a rule, at least to this extent, if no further. He might venture to put it to the noble lord, or any other gentleman in or out of that House, whether he believed that if that House had been then aware of that conspiracy, which had been since discovered (Hear! hear!)—if they had been apprized of those honourable arts by which the evidence in that inquiry had been come at, prepared, and brought forward—if they then understood the true nature of those noisy pretensions to high and exclusive patriotism which were at that time put forth so vauntingly; if they had then known how to appreciate the angry virtues and indignant independence of those patriotic inquirers into corruption;—if they had known but all, where was the man who would say that such knowledge would not have had its due effect? He did not mean to say that it would necessarily have altered the result, but surely much, if not all, of that irritation of feeling which then so unhappily prevailed, could never have been excited; and therefore that motive which had induced his royal highness to retire, might not have been created.

As to the Resolution stating that the resignation of the duke of York rendered further proceedings unnecessary, he begged leave to remind the noble lord that it was proposed and agreed to that the word "now" should be left out in order to preclude the possibility of supposing that it was the wish of the House to erect a perpetual bar against the return of his royal highness to office, but the fair inference from that Resolution was not that because of the duke's resignation that House did not feel it necessary to take any steps to compass an object already effected. That was not the fair construction, because the Resolution simply stated that the duke of York having resigned, that House did not feel it necessary—to do what? to pass a censure upon him?—No;—to vote his incapacitation?—No;—but did not feel it necessary to go further into the consideration of the minutes of evidence. This, he contended, pledged the House to nothing.

If it had been the object of the House, that the further inquiry was to cease only so long as his royal highness continued out of office, that would have appeared on the Journals? But when the Resolution appeared without limit or time, and not stating it to be the meaning of the House that his royal highness should not again be restored to his office, it would be unjust in any ministry, it would be cruel and unjust towards the individual who was the subject of the motion, to hold that it must be acted on as if it amounted to a total and perpetual exclusion from office. If the noble lord would take an opportunity of referring back to what occurred at the time, it would be found that, whatever might be supposed as to the propriety and decency of the royal duke's retiring for a time, the great majority of the House had no idea that this was to operate as a bar to his being ever again employed as Commander-in-Chief. It would have been most unjust in the House to have left matters in that state, thereby setting a trap for any minister or for any set of men who at any future period might advise his Majesty that it was for the interest of the country that his royal highness should be restored to the office he had formerly held, and that there was not any thing appearing on the face of the Journals of the House, which could in any degree operate as a bar to such re-appointment. Every thing which was then agreed to became the subject of minute consideration; and he ventured to affirm, that nothing was then done, or even contemplated, which could have had the effect of preventing the recall of his royal highness to the situation of Commander in Chief. At least such was the impression the transaction had on his mind; and he disclaimed the most distant idea of having given, or of being capable of giving advice to the Prince Regent, which could go to lessen the dignity of that House, or to call forth their censure upon his conduct.

He contended, therefore, that it must be obvious that this nomination had been made without any previous opinion as to the impropriety of it having been declared by that House. It was for the House now to say, however, whether this was a case in which the prerogative had or had not been well exercised? He contended that it had been wisely and properly exercised, at the time the nomination had taken place; that the nomination was called for by the tried and eminent services of his royal highness, who had already given convincing proofs that the situation would be more fitly supplied by him than by any other person. On that persuasion, he and those who acted with him acted, and in pursuance of the conviction on their own minds, recommended his royal highness to the Prince Regent as the very fittest person to supply the vacancy which had occurred in the office of Commander in Chief of the army. On that principle he had proceeded, and he hoped for the sanction of the House to the advice he had given.

Lord *Althorpe* did not think the right honourable gentleman who had just sat down could justify his own conduct in recommending to the Prince Regent to replace the duke of York in the situation of Commander in Chief, against the Resolutions standing on the Journals of the House, unless he was prepared to say that the duke of York was the only fit person in the country to fill the situation of Commander in Chief. When the House purposed agreeing to a Resolution, on the subject of the conduct of his royal highness, the natural consequence of which must be to cause the dismissal of his royal highness, when to prevent the adoption of such a Resolution, his royal highness himself gave in his resignation; and when the House then came to a Resolution, declaring that his royal highness having resigned, it was no longer necessary for them to proceed in the enquiry, was not this saying that it was his resignation alone which precluded the necessity of their proceeding; and that their opinion was, that he ought not to come back into the situation, though they did not like to come to a positive resolution on the subject? He perfectly agreed that the public opinion must have undergone a considerable change, in consequence of circumstances which had more recently occurred. He admitted that the popularity of the hon. gent., by whom the charges against his royal highness had been preferred, had greatly decreased (hear! hear!) He did not understand what gentlemen meant by cheering, as if this tended to make the situation of his royal highness better. He could not conceive that the character of the counsel on either side could make the cause better or worse; that must depend on the credit of the witnesses, and not on the character of the advocate. The noble lord agreed that his royal highness had acted well while Commander in Chief, with the exceptions of which the House were already aware. But unless the right hon. the Chancellor of the Exchequer was prepared to shew that there was no other person in the kingdom fit for that office, he denied that the right hon. gent. could be justified in the advice he had given, after the Resolutions of that House. The noble lord concluded by declaring that the motion of his noble friend had his most cordial support.

Mr. *W. Elliot* said, that into a subject of so painful a nature it was not his intention to enter, or to use many arguments in support of the opinion he felt himself bound to give. He should only shortly state a few of the reasons for his vote of that night—and even this was hardly necessary, as it would be conformable with his vote on the main question. He could conceive that there might be persons whose opinions had undergone a change in consequence of some recent developements. These, to his mind, however, rather went to an extenuation of guilt than to a complete change of the nature and extent of the charge. If there were men who thought as he had described, they had a right to change their opinions. With respect to himself, however, he had no need of experiencing such a change. With him, the persons who had sunk so much in favour, never stood so high, as, in his mind, to leave them much room to fall. There had not, in his opinion, been any evidence against his royal highness of corruption, or of accession to corruption. He did not vote, therefore, for either of the two first addresses; but he could not conceal from himself that there were circumstances, in consequence of which his royal highness deserved to be removed from his office. With this view he voted for the address proposed by the hon. member for Corfe Castle (Mr. Bankes), but that address was negatived by a majority of the House. The House was of opinion that there was no corruption proved, but still they had some ulterior object, and with this view his right hon. friend (Mr. Bathurst) proposed an Address which had for its object the removal of his royal highness from his office (No! no!) He did not say that his right hon. friend had professed that object, when he latterly made his motion, but he surely did say, when he first proposed it, that it might have that effect. But the thing did not stop here. The House had recorded in their Resolutions, the fact of his royal highness's removal, or what was the same, his resignation, as the foundation of the step they had then taken, of proceeding no farther in the enquiry. It was no doubt true, that the word "now" had been expunged from that resolution; but the reason was plain, namely, that it might not seem as if the enquiry was merely suspended, and might be revived against him at any future period, nay might even be brought forward as a reason to exclude his royal highness from the throne, should the succession ever open to him. He had resigned, however, and the House did not proceed any farther. It was unnecessary to do so; the object of the House was accomplished. He did not expect, at the time, that within two years from that date, in the very same parliament in which the Resolution in question had been come to, any ministers would have been found hardy enough to restore his royal highness; and such, he was convinced, was the impression of the House. By this step ministers had placed the House in a most uncalled for and most disrespectful embarrassment; and on that account, he should support the motion. He did not deny that there were great advantages to be derived from the duke of York being Commander in Chief; but there were inconveniences also. There was great responsibility attached to such a situation; and he was afraid the splendour of his royal highness's station might be supposed to diminish or detract from that responsibility.

Mr. *Bathurst* said, in bringing forward the address which he had submitted to the House in the course of the inquiry, he had discharged a painful duty: He saw no proof of any direct, or even implied, corruption on the part of his royal highness, but a degree of misconduct of which it was proper that the House should express their opinion. His right hon. friend who spoke last, however, had mistaken his view in stating that his object in moving the Address was to produce the resignation, or removal from office of his royal highness. He had, both in public and in private, to several members, disclaimed such an idea, and had expressed an opinion that his royal highness might continue in office with greater propriety after such an Address than before. He only meant the Address to operate as a reprehension of his royal highness for the connection which had led to these improprieties, and to be a check upon him in future, better than if the matter had passed over without any admonition. The word 'now,' too, was expressly omitted to mark the opinion of the House, that the removal from office was not to be unlimited, or to amount to a total prohibition against his return to office. The charge now brought before the House was, that the appointment of the Duke of York was indecorous, because it was contrary to the express sense of the House. The omission of this very word 'now,' he contended left it open for after consideration, whether he should be restored or not, as circumstances should seem to warrant. Indeed, it was but consistent with common sense and reason that the House should have left this to itself. The noble lord said that removal from office was no punishment. Was his royal highness, however, not degraded for the period of his removal? Had parliament said, that for this impropriety of which his royal highness had been guilty his removal from office should be total? It had not said so; and therefore the only question was whether the House was now called on to consider the propriety or impropriety of this exercise of the prerogative. That he did not think the House was called on to do: there was nothing here done contrary to the declared sense of the House.

Sir *Oswald Moseley* declared that he would not give a silent vote on the present occasion. Since the period when the inquiry on this subject was before the House, circumstances had occurred which tended materially to alter the situation of things, to diminish that degree of blame which he then thought attached to his royal highness, and even to cause doubts of the truth of what remained. He asked, had not his royal highness been already sufficiently punished for his indiscretions, he could not call them crimes? The noble lord said, that removal from office was no punishment. To his mind it was as degrading a punishment as it was possible to conceive. This was a punishment inflicted by the House, not on his royal highness as Commander in Chief, but for a breach of his moral character; for having had too much confidence in a fascinating woman who had deceived him. He put it to every gentleman in the House to say whether the punishment had not been too severe. When they scrutinized the conduct of the Duke of York, he advised them to look to themselves. Let him who was immaculate among them throw the first stone. For his own part, he hoped he might be excused for the vote he had given on a former occasion, as proceeding from an error in judgment, not one of the heart. In the present critical situation of affairs there was occasion for an energetic Commander in Chief. The Duke of York was known to be beloved by the whole of those over whom he presided; and to be competent to the situation beyond every other person.

Mr. *Gooch* disapproved of the motion of the noble lord, and was of opinion that his Majesty's ministers were entitled to a vote of approbation for advising the Prince Regent to restore his royal highness. It would, in his opinion, have been rather an act of ministerial cowardice (if he might so express himself) to have abstained from giving that advice. His royal highness was better qualified for the situation than any other man, added to which, there was not a man in the army who did not almost worship him. With respect to the imputations on his moral character, he lamented as much as any man the necessity for those imputations, but it would become the House to recollect that the charges were established by as profligate a set of witnesses as had ever disgraced a public tribunal.

General *Tarleton* was desirous to state his reasons for the vote he should give, standing as he did in a particular situation, and having partaken of the general feeling at the time of the inquiry. He had then laboured under an impression since removed, that some degree of blame attached to his royal highness. He then thought that he had discovered a blot in the character of his royal highness, and notwithstanding the friendship with which he had been honoured, he could not abstain from doing his duty, in voting against him. That impression was now completely removed, and he could assure the House, that there was nothing more pleasant to the feelings of the army than the restoration of his royal highness. The situation of the country was such, that it was fit a prince of the blood should, if competent thereto, have the command of the army. The recognised merits of the illustrious duke in a military point of view, entitled him to the thanks of the country, and therefore he should vote against the motion of the noble lord.

Admiral *Harvey* never having had an opportunity of delivering his opinion on the charges against his royal highness, begged to be indulged with a few words on the present motion. The noble lord who opened the business had said, that the royal duke had not been punished by being removed from his office. Was it no punishment to a man of a feeling mind to be removed out of the sphere in which he was accustomed to move, and in which he presumed to think his services had been, and might still continue to be useful? Could any man of an honourable mind submit to such a sentence, and not feel himself thereby lessened, not only in the estimation of the world, but in that of himself? Let any man put himself in that situation, and then he would be able to judge how great the punishment was. Had it not been publicly declared, and publicly proved, that this was effected through the means of a wicked conspiracy? We had lately seen it practically illustrated what our armies could do, and could we deny that to the duke of York was to be attributed, in a considerable degree, the merit of the state of discipline to which they had been brought. Those who recollected our army on its narrow establishment, and now saw it on its enlarged scale, would be the best able to judge of this; and when no man could deny, that to the duke of York was this in a great measure owing, must we not feel exultation at seeing him restored to a situation he so richly deserved!

Mr. *C. Adams* said it was allowed on all hands that the army was now brought to a state of perfection it had never before reached, and that the duke of York had the principal share of the merit. Exclusion from the office of Commander in Chief for two years, was, in his opinion, sufficient punishment for any delinquency of which he had been guilty; and this, he was convinced, was the opinion of the country. He should therefore vote against the motion of the noble lord.

Mr. *Whitbread* contended that the evidence remained unshaken and uncontradicted. Among the many things which had excited his surprise in the course of the debate, one was, the different view in which the minutes of evidence seemed now to be taken. Was the House to be told that the minutes had undergone no change—that they were the same—precisely and distinctly the same, as when the House seemed to have but one feeling, whatever they might now determine by their vote, on the guilt of the duke of York? to the astonishment of the House, as he was convinced it must be, the minutes would be proved to be the same. No change had taken place there; and the hon. members who had thought so lightly of changing their opinions, could find no encouragement for it in any alteration of the evidence. He had unfortunately felt the impossibility of changing his opinion, while there appeared no apology for a change; and he must actually persist in believing the duke of York unfit for office, and the ministers who re-appointed him as acting in a manner irregular, indecorous, and unconstitutional, so long as the minutes of evidence told him so. There was a practice of the right hon. the (Chancellor of the Exchequer), for which he probably claimed great credit, if it was to be thought so, from his fondness for it: it was a kind of bold, strutting, noisy claim of responsibility—an effort at what he called manfully meeting the charge, or claiming his share in the odium and danger of the acts of the ministry. His habit was, to throw himself forward when the public indignation was roused, and talk of his readiness to meet responsibility, and all possible enquiry into his conduct. His colleagues, too, were ardent and zealous, and equally ready in offering to meet the extremity of the public anger: but when this spirit, magnanimous as it was, came to be tried—when an offence was committed against the constitution—when the cry for justice was stern and strong and just, then those magnanimous ministers shrunk back, and hid themselves behind their majority, and baffled the attempt at enquiry. And was this really the whole boast of the minister's responsibity? But let the House, without considering any farther how much these high-minded ministers might be able or inclined to stand its verdict, come to their reasons for the appointment of the duke of York. What was the first reason? The army was extensive, the business was heavy, and sir David Dundas was old. He was too old for the overpowering business of the Commander in Chief's office. How old was he now! or how much older was he now, than when the office was given to him? Yes, this was a question which the magnanimity of ministers would probably leave to those who would investigate it. It had been said, and most disgraceful was the imputation, that sir David Dundas was put into office, solely that he might keep it for the duke of York. What else could have put in sir David Dundas? He meant no slight whatever to that officer as a military man; he was already distinguished in the service; but was he so much in the vigour of youth two years ago, as to make him the fittest man for the station which now pressed upon his extreme and enfeebled old age? Who said this? This was the saying, the very language of ministers; and in whatever shape they might mould their defence, it must be an insult on the capacity of sir David Dundas.—There was another point. The astuteness, the practised, active, professional subtlety of the right hon. the Chancellor of the Exchequer, had found out, that the word 'now,' in a previous resolution, meant nothing but the exclusion of the duke of York for the time: and after establishing that point, his next discovery was, that the rejection of the word 'now' implied a perfect liberty in that House to reinstate the duke, or at least to agitate the question of his reinstatement. All this was to be expected from that right hon. gent.: but it was not the meaning of the Address of the member for Corfe Castle; nor, if there was any thing like a faithful record in words, was it the language of that other hon. member (Mr. Bathurst) who had so suddenly changed his opinion. If the resolution had not been adopted, what had prevented it? What, but the retiring of the duke of York? Was not the language of the debate plain—was not the general feeling clear? But it was thought that the duke of York, by yielding to the sense of the House and of the country, had made it indelicate to press him farther. Delicacy was in such things a foolish word. What had the duke of York actually done? He saw the cloud gathering round him, and he took his resolution to escape. He retired from office, and he thus evaded the shock which would have forced him from it.—An hon. member had said, in the course of the present debate, that a man of the duke's rank ought not to be entrusted with the command of the army of the empire. True; nothing could be more true. The very transaction of the moment was an argument worth all others. It was his opinion at all times; but if it ever wanted confirmation, it was confirmed now. He had been charged with alluding to the private life of the duke, but he had fully disclaimed all idea of the kind, until the duke's private life was mingled with public transactions, and then it became public and reprehensible. Was there a single man in the country, except the royal duke, who with these imputations still hanging on him, would be suffered to return to office? No, not one. Though he might not have been even charged with personal guilt; yet, his permission to make money by the sale of commisions, his negligence in the conduct of his civil office, and the remaining stigmas which attached to his public life, would have been an insurmountable obstacle to the return of any man but the duke of York. That man ought not to be entrusted with power whose failure and neglect brought down no responsibility. His royal highness the duke of York was now returning triumphantly to a great office, to which no other man, under similar charges, would have been permitted to return: and, therefore, the argument was irresistible, that his royal highness ought not to be reinstated in a situation which he ought never to have filled. A great inconvenience had resulted from his illustrious rank, as being of the blood-royal, the son of the king, and the brother of the prince of Wales. Where was the subject, who was not of the blood-royal, who could have hoped to be restored to office, if removed from it under circumstances similar to those under which the duke of York had resigned? If, then, no individual, not of the blood-royal, could hope to be restored if he were removed under such circumstances, it followed that gross injustice had been done to all the other persons who had been forced to walk out of office in consequence of their having been suspected of improper practices; for those men were removed without any hopes of return. The right hon. gent. had dwelt much to-night on the general conduct of the Duke in the command of the army, the affection they bore towards him, the admirable organization and various checks which had been introduced by him. These were, however, no new topics; and he therefore could not see why they should influence the House now to form a different opinion on the evidence than what they had come to at the time of the investigation. If the good of the army was now their paramount consideration, and it was for that object alone that they wished the duke of York to be restored, he wondered how they could ever have consented that this command should be taken away from a person whom they stated to be so eminently qualified for it; and he wondered still more that they should have consented to transfer it from the direction of so much vigour and ability to the extreme of feebleness which was to be expected from the advanced age of sir David Dundas. He could not, however, suppose, even if there was no royal prince fit to take the situation, that England could ever want men fit to be trusted with the command of the army. When serious charges had been brought against the duke, and investigated, then his royal highness was advised to withdraw from the storm: but now, ministers were found fearless enough to propose his re-instatement. Now, he would put it to the feelings of any member in that House, whether, as a simple subject, he had been removed from office under such circumstances, the road to re-appointment would ever be opened to him? He was convinced there was no one who would answer in the affirmative. He would put it to the right hon. the Chancellor of the Exchequer himself, whether, even after a verdict of acquittal upon charges brought against a minister, he ever ventured to propose bringing that nobleman again into office? A noble lord (Chatham) had last year gone out of office, and there had been no talk of his re-appointment. He felt that a painful duty was now cast upon him; but such as it was, he was bound conscientiously to discharge it. The nation had lately been told of victories gained, and glorious achievements performed, by our armies in the Peninsula. He joined as warmly as any other man in the universal feeling of gratitude to those generals whose valour and ability had gained those victories, which had not been surpassed by any in our history. He must, however, say, that he thought those victories very dearly bought, if lord Wellington thereby conquered the House of Commons, and obtained a triumph over the constitution. He remembered that at the time when the Habeas Corpus Act was suspended in this country, and lord Howe had gained a victory over the enemy, Mr. Fox said, in the House of Commons, that he hoped the consequence of the noble lord's victory would be to secure our internal peace, and reconquer for us the constitution of the country. If the restoration of the duke of York was to be the consequence of lord Wellington's victories, he thought that the country would buy those victories dear. He was at a loss to conceive what could have changed any gentleman's opinion upon this subject. He had looked with great attention into the resolutions which the House had adopted, and that which was proposed for its adoption, as well as into the minutes of the evidence, and he could see no reason to alter the opinion he had then formed. As to the resolution "that the existence of such corrupt practices had been fully proved,"—that he had voted for, and still believed. That "those corrupt practices could not have been carried on for such a length of time, and to such an extent, without the knowledge of the duke of York," was another resolution for which he had voted, and which he still believed. It appeared to him, that the fair, manly way of proceeding would be, for those who thought parliament had then come to a wrong opinion, to bring the matter again before them for their reconsideration, before they recommended the re-instatement of the Duke. For example, those who thought the House had been misled, and that the evidence was improper, might have first pointed out to the House wherein they had been misled, and called upon them to express a different opinion. If they had prevailed upon the House to do so, then it would be less objectionable to recommend the re-appointment. As to the fitness of a person of the royal blood to fill such an important office, that was rather an abstract question which he did not wish now to discuss. He must, however, say, that great inconvenience had resulted in the present case from the circumstance of the very illustrious rank of the royal duke. He, however, had never supposed, that the matters with which the duke was charged would justify his exclusion from the throne. On the contrary he had stated in express terms, that he did not consider that the harshest of the resolutions which were submitted to the House could have produced that consequence.—Some sneers had been thrown out on the manner in which the charges were brought forward; and it was insinuated, that the evidence had received much discredit from circumstances which had since transpired, and that a great slur had been thrown on the character of those who were principally instrumental in bringing forward those charges. He would ask, when, where, and how, had this taken place? All the evidence which was hinted at was completely before the public, and it did not appear to him to justify the imputations which had been cast. He was free to confess, that if he had been a juryman on those trials, he thought that he should have given the same verdict on the evidence produced at those trials; but was that to wash away, and carry to the grave, all that immense mass of evidence, and the many written documents which were produced at the bar of the House? Was there any proof then given, that any person on whose testimony those charges had mainly been supported was unworthy of credit in a court of justice? He could see no reason to change the opinion which he had then formed, and therefore, he should not now change his vote. He conceived that a vote in favour of the conduct of ministers upon the present occasion would be hurtful to the constitution, and disgraceful to the House of Commons. It was generally understood at the time, that a vote of censure was only suspended by the resignation of his royal highness. Under these circumstances it was hardly to be conceived that ministers would have been hardy enough to have proposed his re-appointment.

Mr. Secretary *Ryder* thought it necessary for him to take his share of responsibility upon this occasion, and state shortly his reasons for advising the reappointment. Much labour, however, had been spared him by what had fallen from his right hon. friend, (Mr. Bathurst). His right hon. friend had truly stated, that no resolutions which passed the House, or which had any chance of being agreed to, implied that the duke of York was never at any future time to return to an official situation. It had, indeed, been expressly stated by the right hon. gent. at that time, that if his royal highness could be advised at that time to retire from office, it would afford a facility for his return to it at a future time. The hon. gentleman who spoke last had stated, that no circumstances had occurred since that investigation which ought to change the judgment of the House. He believed, however, that not only the opinions in that House, but the impression on the public mind, had been very materially changed upon the subject since that time. If the evidence had been delivered upon oath at that bar, he would have a right to say that the cause was supported by subornation of perjury. Such was the language of a noble lord (Ellenborough) who tried the actions; and who added, that if the evidence had been on oath, an indictment for subornation of perjury would lie against the person who so suborned the witnesses. His opinion was not altered, for he never had believed a single word of what came from the infamous witnesses, unless when confirmed by other evidence. He was sure the public must have changed their sentiments on that subject, and that the re-appointment of the duke of York would be hailed by the country at large with satisfaction. Of this he was absolutely certain, that there was one portion of the public, he meant the army, who would be highly pleased at his return to power; and yet it was the army that would have been degraded and injured by the corrupt practices imputed, if such practices had really existed. The right hon. gent. then read the evidence of lord Wellington in support of the merits of the duke of York as Commander-in-Chief. When it was necessary, then, to select a Commander-in-Chief, the most able to keep the army in the highest state of efficiency, he knew no person who could be a candidate for that high office whose claims would bear any comparison with those of his royal highness. He was ready to allow, that upon general principles, it would be more advisable that members of the royal family should not hold official situations; and he had therefore voted against the duke of York's appointment to be one of her Majesty's council, as it would subject him to be examined at the bar of that House, and the duties might be performed fully as well by another; but as to his appointment to the head of the army, that was for the public good, and the country might bless the day on which he first took the command.

Mr. *Lambe* said, that the question, whether sufficient responsibilty did or did not attach to persons of the elevated rank of his royal highness, was a question foreign to the present business, and which should now be dismissed from the consideration of the House. His hon. friend (Mr. Whitbread) had argued with still more than his usual force on the injustice that humble individuals would sustain from having the return to power shut against them when it was open to a royal duke under circumstances precisely similar. There certainly could not, on the other hand, be any reason why injustice should be done to the duke of York, because justice was not always done to others. He felt perfectly convinced, that if any other person was presented to the consideration of the House under the very same circumstances that the duke of York stood, he should vote for his re-appointment. He believed that the noble mover had, as he expressed it, felt this a very painful task. A painful task had devolved upon them all; and he could not, without great pain, reflect upon the violent proceedings against the duke of York, and upon the votes which he had himself been persuaded to give. He had at that time voted on a conviction that was then strong in his mind, that a more complete investigation of the charges was necessary. If he had, however, then been called upon to say, "guilty, or not guilty,"—notwithstanding the many suspicions, and unexplained circumstances in these transactions—notwithstanding it appeared that pecuniary embarrassments had urged him to the very brink of criminality, yet he should have said, "not guilty." He certainly then wished that the duke should be removed from his office; and he did not know, but that the fear that ministers intended to retain him, might have induced him to stronger votes than he otherwise would have concurred in. He conceived that the duke had been very hardly dealt with; he had been run down by a public cry, and charged with peculation, when, in fact, the crime which he had really committed, was one not of public cognizance, and such a crime as no other man had been removed from an high situation for committing. As to what was the opinion of the House formerly, he thought there could be no better mode of ascertaining it, than hearing what was now the opinion of the same House of Commons upon that question. The opinions of gentlemen at that time might be ascertained by their feelings now. He could positively say, that for himself he never intended by any vote he gave to preclude himself from giving an opinion at a future time of the propriety of the return of his royal highness to office.

Mr. *Wynn* said he had not seen any thing in the circumstances which had been so often alluded to, to make him at all change that opinion which he formerly expressed by his vote. A right hon. gent. had stated, that the conspiracy which had since been proved, had thrown a shade over the whole of the case, and deprived the witnesses of any title to credit. He could not at all view the subject in that light. While the investigation was going on, he always felt, that the evidence of such a woman as Mrs. Clarke ought to be left wholly out of their consideration, unless when it was confirmed by other evidence. There were many strong points of the case, however, which were proved without the testimony of Mrs. Clarke. The case of Kennet did not at all stand on the evidence of Mrs. Clarke. It stood on the testimony of a witness of the highest character (colonel Taylor) and upon the duke's own letters. The cases of general Clavering and Mr. Tonyn did not stand upon the evidence of Mrs. Clarke, but upon the Duke's own hand-writing. If the case of Kennett were single and unaccompanied by any other, he was of opinion, that it would be sufficient to prove decided corruption, and to call for the censure of the House. It was corruption, though not strictly corruption in office. It was not upon this account the less criminal. Although the Duke might not have trafficked promotion in the army for money, yet if it appeared that he had trafficked the interest that his situation gave him for money, he was unfit to hold a high place in the state. He would venture to say, that if any one of his Majesty's ministers had been detected in a transaction like that of Kennett's case, in attempting for a sum of money to procure a place for any individual, that minister would be prosecuted for it with the utmost severity. The hon. gent. who spoke last, had said, that pecuniary distresses had urged the Duke to the very brink of criminal conduct. It was his opinion, that they had urged him beyond the brink, and involved him in practices actually criminal. For such practices as those, in a man in high trust, he thought it was no excuse at all to set up the weakness and frailty of human nature.

Men who had so large a portion of this weakness and frailty were not fit to hold high offices in the state. It might not indeed prevent them from being useful, nay almost respectable in private life, but utterly incapacitated them for the public service. For human frailty, considered as an object for punishment, he was willing to make every allowance that justice would warrant; but the question at present was not what censure a delinquent should undergo, but whether it was prudent to entrust the command of the army to a person liable to such habitual weakness. The whole argument in favour of this re-appointment seemed to proceed upon the assumption of some imaginary inherent right which the duke of York possessed to the office of Commander in Chief, and which could only be forfeited by a crime legally proved and the sentence of a criminal court, instead of being like every other subject of this realm, liable to be removed whenever upon any account it appeared that the public service might be promoted by any other disposition of that appointment.

The House was not now to determine what degree of moral guilt attached to the Duke's conduct, but whether it was wise to expose him to temptations, which he had already shewn he was unable to resist. Would it be contended that it was safe to place this high office in the hands of a person, who could, with a view to his own private advantage, recommend a person of infamous character for a situation of trust and confidence, who could permit a woman like Mrs. Clarke repeatedly and habitually to interfere in military promotions, and who was corrupt enough to sanction, or blind enough to overlook the traffic which she carried on. But it had been said, that the Duke had been now two years out of office, and that this was a sufficient punishment. He must deny, however, that the Duke had received any punishment at all. If he had even received any censure from the House, then he might have been said to have been forced from his situation; but no censure whatsoever had been voted. The Duke was simply advised by his friends to resign his office, for the purpose of avoiding a vote of censure, and as it now appeared for the purpose of returning again into office at a future time. If he had not taken this course, it was notorious that a majority of the House of Commons would, on the next day, have probably agreed to a vote of censure which would have rendered his removal from office unavoidable, but as he was no longer Commander in Chief, the House had wisely abstained from that vote, and had determined that they would not proceed in the discussion of his misconduct for the mere purpose of punishment when it could no longer be dangerous to the public. The Duke's re-appointment made it now necessary to resume that consideration, and to decide whether he had not been guilty of such misconduct as disqualified him from holding that high situation. It was so manifestly necessary that the heads of the great departments of the state should not only be untainted but unsuspected, that even a suspicion of such practices as had in this case been proved, would be held sufficient to exclude any other man from public employment. Different individuals had lately been severely animadverted upon for misconduct in office, yet no person had as yet ventured to hold out the punishment which they had undergone as a security for their future good behaviour, and a reason for re-instating them in their former situations.

It had been asked whether this exclusion from office was to be perpetual, and if not, at what period it was to expire? To these questions he must decline giving an answer, and would only say, that it was ridiculous to speak of so short an interval as that which had elapsed since the duke's resignation as affording any adequate pledge for amendment or reformation. He was not quite sure that the opinions and wishes of the army, about the person who was to be their Commander in Chief, were entitled to such stress as had been laid upon that argument by the right hon. Secretary. Perhaps it was not perfectly constitutional to state what was the desire of the army upon such occasions, as it was the duty of ministers to recommend the person who appeared to them to be the most fit to command the army. As to the evidence of lord Wellington with respect to the great improvements which the duke of York had made in the army, he did not see how that could now change the opinions of those who had heard the evidence before they came to their former vote. If ministers really thought it of such prodigious importance to the army that the duke of York should be Commander in Chief, why did they advise his Majesty to accept of his resignation? He could not see with what consistency those members who had before voted the connivance or participation of his royal highness in corrupt practices, could now support his return to office. For his own part, the more he considered the evidence which had been given on that investigation, the more satisfaction he felt at the vote he had then given; and as his opinion was unchanged, he should now support the motion of the noble lord.

Mr. *Barham* rejoiced that he had this opportunity of retracting and confessing those errors under which he, with many others, laboured some time ago, from the delusion which then prevailed. He regarded the duke of York as a most injured man, and therefore rejoiced at the opportunity now afforded of making some amends for the injustice that had been done him. The duke had been censured with a severity beyond example. The hon. gent. said he was not one of those who went farthest in their votes against the duke of York, and he was one who fortunately escaped those delirious thanks that were voted to so many hon. gentlemen from one end of the country to the other. But he would now do all in his power to repair the injustice that had been done, thinking that the dignity of a public body, as well as that of an individual, consisted in acknowledging an error, not in persisting in it. The noble lord had talked of the appointment being an attack on the dignity of the House; but to confess an error was not to descend from dignity, but rather to maintain it. The example of what took place two years ago, ought to operate as a warning to the House to be on their guard against such sudden gusts of public opinion as then prevailed. When the public mind was fixed and permanent on any subject, then that House should follow its guidance, but should not too rapidly follow on every sudden impulse. In fact, there appeared to exist at the time, a sort of epidemic disorder, a species of Puritan mania; as if that House were to be the censors of private life, as well as of official conduct: a part for which they were entirely unfit. For his part, he wished the noble lord's motion should not merely meet with a negative, but that some resolution should be adopted expressive of a desire to do justice to the character of a man who, he verily believed, had been grossly injured

Mr. *Ponsonby* said he would detain the House very shortly, while he assigned his reasons for the vote he should give that night. He had no difficulty in reconciling the vote which he should now give, with that which he had given on a former occasion. He had voted against the Resolution which declared that the duke of York had participated in or connived at corruption; he had then attributed to his royal highness only a certain degree of negligence in his high office. He remained of that opinion still; he still thought him chargeable with negligence then, and yet should find no difficulty in reconciling that opinion with his vote this night. He was far from thinking that nothing which had happened since the investigation had affected the nature of the evidence that was then given: for when the principal witness was asked at this bar, she answered, she had received no consideration for her evidence; and afterwards she swore in another court, that she had received a consideration. He might be allowed to know something of the nature of evidence, and it was really new doctrine to him to hear it stated, that such a circumstance as that made no alteration in the evidence. It was quite impossible to say, that where the principal witness had been so shaken in credibility, it made no alteration whatever in the complexion of the case. It had been said, to his no small surprise, that the duke of York had suffered no punishment by his resignation. He was one of those who thought at the time, that the duke ought to be removed from his office, in consequence of the evidence which appeared. His resignation was in fact a removal, and made in contemplation of what was nearly the universal sense of the House and the country. But what did the noble lord's Resolution say? Why, it went to the perpetual exclusion of the duke of York; for no administration would venture to replace him in office, in the face of such a Resolution as that. Would the House be justified in adopting a measure of such great severity? His royal highness had been guilty of great indiscretion: but the whole accusation rested on the testimony of one witness, who, it appeared, had received a valuable consideration for her evidence, and yet denied it at their bar. This very denial implied a consciousness that the consideration was received for improper purposes. He would not, therefore, pass a sentence of perpetual exclusion, nor visit the offence with such severity. What! could it really be said that the duke of York had not been punished?

that he had not suffered the severest mortification? Was it no punishment that the son of the King should be removed from the head of that army which was the glory of the country—that he should be forced to fly into retirement from the severity of public censure? Where was the man who possessed any of the high spirit of an Englishman, who would not say, that all this was one of the severest punishments that could possibly be inflicted. The duke of York, then, had been punished already; and, in his mind, he had been punished severely. That punishment, he thought, had been already enough, and he thought also that the royal duke ought not to be further punished with exclusion. It had been asked, whether any other person would have been so restored? but he would answer, that there was no such case then before the House, and it would be time to consider it when it might come before them. Although he could not vote for the Resolution of his noble friend, he could not help applauding his conduct, in having undertaken, from a sense of duty alone, that which would have appalled many other men.

Sir *Francis Burdett* said, he should feel great satisfaction, if any injury had been done by his means to any person, in endeavouring to do all in his power to remedy it. But in the present case, as he still continued to see it in the same light in which he had formerly done, and as he had formerly given his vote by no means on the evidence of that witness who had been so much spoken of that night, and who, he would say, was never looked upon in the House as a witness of credibility, he could see no ground for opposing the present motion. He was convinced, that had the honourable member in whom the accusation of the duke of York originated, been unsupported in that accusation by any additional evidence to that, which he possessed at the commencement of the proceedings, he would have retired disgraced and stultified. But it so happened, that a mass of evidence, written and oral, was produced in a manner almost accidental, he might even say, almost miraculous. That testimony remained untouched. It therefore was a source of astonishment to him to hear gentlemen state generally, that their opinion on the case was changed, without advancing any one circumstance to warrant that change, except the decreased credibility of a witness on whose credibility, as he had before observed, little or no reliance had ever been placed. He remembered an honourable gentleman had said, that her evidence was not such as that he would have whipped a dog on it; and this statement was received by the House with acclamation. But could the House forget the letters which had been most unexpectedly produced; the letters brought out in consequence of general Clavering's evidence—the note of Tonyn, *et cetera*; and with respect to this last, if any thing like conspiracy existed in the whole affair, it was certainly manifested in the attempt of the right hon. gent. opposite (the Chancellor of the Exchequer) to suppress the note of that person.—He now came to the consideration of how far the duke of York stood criminated by the proceedings of the House. The House was certainly satisfied with agreeing in a vote in the case of his royal highness, which they would not, perhaps, have considered as sufficient, had the individual accused been of less exalted rank in the country. With that vote on their Journals, however, it seemed to him impossible, that with any regard to consistency, the House could refrain, when the subject was again brought under their consideration, from expressing a consonant opinion. In fact, the strongest things against his royal highness had been uttered by those who professed themselves to be his friends. An hon. gent. near him had stated that the duke of York, when he enjoyed the high office of Commander-in-Chief, was placed in a situation of great pecuniary distress. It would appear from him, that he was somewhat in the situation of the needy man in the tragedy of Douglas,

> ' Who has seen better days;
> One whom distress has spited with the world.
> —— Whom tempting fiends would pitch upon
> To do such deeds as make the prosperous man
> Hold up his hands, and wonder;
> And such a man was I—

—And such a man was the duke of York.—Another honourable member had also said that his royal highness did not participate in the corruptions of which he was accused, but that he only winked at them. Did he wink at them? How then could the honourable member, and those who thought with him, consent to give their vote against the motion of the noble lord? Much had been said of the changes that had taken place since the investigation. It was true that ' tempora mutantur,' but nothing else was changed.—An hon. gent. thereon had stated the House to have been led away by a popular delusion, and expressed himself glad of an opportunity of shewing his contrition. For his part, he could feel no contrition for the part which he had formerly taken: he could see nothing to repent of. He thought his royal highness had been dealt with as leniently as possible. It was no doubt improper to be led away by popular opinion from the sound part which every man was bound to take—and there were cases when it might be proper to resist the 'Civium ardor prava jubentium;' but it ought to be shewn that the objects here wished for by the public were 'prava.' Public opinion, in his opinion, was by no means to be despised; and those who had the management of public affairs would find the public opinion no small assistance to them. However, if he had allowed himself to have been led away by this public opinion from expressing the dictates of his own mind, he should indeed think himself bound to express his contrition at present. Neither could he agree that the case of the duke of York had been one of peculiar hardship. The duke of Cumberland, by way of distinction termed 'the Great,' although he had suppressed a rebellion, and rendered other eminent services to the state, was, nevertheless, by the operation of a mere misfortune, removed from the chief command of the army, in which situation it was not thought fit to replace him at any future period. Although he was not inclined to press this argument, yet it appeared to him to be very doubtful, how far the appointment of an individual of such illustrious rank to the office of Commander in Chief might not be injurious to the interests of the army, few as the rewards were which were enjoyed by those who embraced a military life in our service. He could not abstain from remarking, that the right hon. gent. opposite, for the purpose of throwing odium on the charge against the duke of York, spoke very lightly of the evidence of Mrs. Clarke, when it operated against his royal highness, but attributed to it considerable weight, when that witness was afterwards employed in swearing a debt off her own shoulders, and in swearing a sum of money into the pockets of a set of swindlers. It had been most clearly established, that Mrs. Clarke had interfered in military matters, and that others of more power had gone still further in suggestions, to the injury of the service, which had been listened to by his royal highness. By these means it had been shewn, that a very valuable officer had sustained a serious injury in his profession. Under all these circumstances, and with the recollection of the decision formerly come to by the House, on evidence contradicted neither then nor since, he thought it impossible to sit quietly under the recent re-appointment, without a distinct expression of the sentiments entertained by parliament, on a subject into which they had formerly thought it their duty so minutely to inquire.

Mr. *Manners Sutton* did not feel astonished that the hon. baronet should take up the case of his royal highness the Commander in Chief, in the manner he had done, and consider it as unaltered, notwithstanding what had passed since the House came to their former determination; neither was he surprised that the hon. baronet should conceive, that were the testimony of Mrs. Clarke to be expunged altogether from the evidence, the culpability of his royal highness would appear to him to be not less distinctly proved. He, however, fancied, there were few who entertained similar opinions to the hon. baronet, on this subject—opinions which he had not the least inclination to attempt to shake. There were those, however, who were inclined to support the motion of the noble lord, on the ground, that the re-appointment of his royal highness to the office of Commander in Chief, was in defiance of the recorded opinion of, and disrespectful to, the House of Commons, and in direct opposition to the opinion of the public. He, however who thought that it was neither of these, must be allowed to say a few words on the subject. And in the first place, how could it be called disrespectful to the House? No one had ventured to contend that such an appointment ought to have received the sanction of parliament. It therefore came to this, that there must be something on the journals declaratory against the propriety or expediency of such re-appointment. But where was this? It had been already shewn by his right hon. friend, that no record of this kind was in existence. Unquestionably, an opinion of that nature pervaded the speeches of some hon. members during the investigation, but there was some difference between the opinions of a few individuals and the vote of the

House, and it was not very fair in them to set up their opinions as the proper standard, far less as the general decision. So much for the records on the Journals of the House. As for the defiance of public opinion, if that public opinion were adverse to the duke of York, to the extent alleged by some hon. gentlemen, then certainly ministers would have incurred a heavy responsibility, by having advised the re-appointment of the Duke of York. But he denied the fact. It had been asserted that since the year 1809, nothing had transpired to occasion a change in the public opinion. A great deal had transpired. The public had had the opportunity of seeing how little the evidence that had been adduced could be depended upon; they had had time to cool from the fever which had so studiously been excited; and their opinion had, in consequence, been materially changed. If he required authority for his statement, that the public opinion on this subject had been most materially changed, he would refer to an hon. member (Mr. Wardle) whom he then saw in his place, and who he had expected would have taken a prominent part in the present discussion. If, therefore, the re-appointment of the Duke of York was not disrespectful to the House of Commons, or in defiance of public opinion, on what ground could the motion of the noble lord be supported? Was it because his royal highness was peculiarly qualified for discharging the duties of the high station to which he had been recalled? No one who had any connection or intercourse with the army could doubt the opinion entertained by them with respect to the Duke of York. The army knew, that by the regulations introduced by him, the military service of the country had been fostered, and brought to a degree of perfection which confounded our enemies, and astonished the world. An hon. member had said, that, if ministers had been disposed to act in a manly way, they should have proposed the rescinding of the vote to which the House had formerly come, before they advised the re-appointment. What that vote was had already been shewn, namely that it did not contain any thing imperative against that re-appointment. The hon. baronet (sir F. Burdett) had stated, warmly and with indignation, that it had been insinuated by those on the opposite side of the House, that a foul conspiracy had been formed against the Duke of York, and declared that he knew nothing of the existence of such a conspiracy. What! had it not been distinctly proved, that the main and principal witness to support that charge had received promises, and did actually receive bribes for the evidenee which she gave? It was scarcely necessary to add, that he should most cordially vote against the motion of the noble lord.

Mr. *R. Thornton* congratulated the House and the country that so many opinions had been changed with regard to his royal highness the duke of York. It was candid in those who saw the developement of many subsequent facts to confess the delusion under which they had acted. His royal highness was popular with every individual of our brave army, and it was a just tribute to them, as well as an act of justice to this illustrious personage, to replace him in his office, when it did appear that he had paid a deference of his own free choice to public opinion, which public opinion had been much misled. The same House of Commons, which by a triumphant majority had voted him free from corruption, would gratify all but Jacobins and enemies to the glory of Great Britain and Ireland, should they now reinstate his royal highness, and place him at the head of that army, to the good organization and credit of which he had so much contributed. The country was ready to throw the veil of oblivion on what it was the duty and interest of the country to forget; and the Regent, who united the people at large into one family, was well advised by his ministers to give his royal protection to the duke of York, who had alone dismissed himself from his situation, and whose services were so universally acknowledged while he filled the office of Commander in Chief.

Mr. *W. Smith* shortly stated his reasons for voting in support of the motion. His opinion of the misconduct of the duke of York was not so much founded on the testimony of the prominent witness, as on the collateral circumstances which unexpectedly came out during the inquiry. The discrediting of Mrs. Clarke's testimony, therefore, did not affect the vote he gave on that occasion. He agreed that his royal highness had already suffered a severe punishment, and he did not wish for his perpetual exclusion. His objections to the re-appointment lay within a small compass: the principal one was, that it was unadvisable, because with the vote which stood on the Journals of the

House, and which implied that, as the duke had resigned, there was no occasion for the House preceding to any farther decision on the question. The manly way of acting would have been for any gentleman who was friendly to such re-appointment, to rise up in the House before it took place, and propose that the above vote should either be rescinded or modified. The sense of the House would thus have been taken before the appointment took place. This was the proper mode, in his opinion; but while the vote to which he alluded stood on their Journals, he should feel himself bound to vote in favour of the motion of the noble lord.

Mr. *Canning* observed, that it required a strong case indeed to justify a parliamentary censure of the executive government in the ordinary exercise of their constitutional functions. That the power of appointing to the high offices of state belonged constitutionally to the Crown would not be denied; neither would it be said that the exercise of that power could with propriety be called in question, unless it appeared that there was something wrong, or a suspicion of something wrong, in the appointment. The question then was, whether that House was to pass a censure upon the advisers of the late appointment, or upon the object of it, by concurring in the motion. If on the latter, what, he would ask, became of all the arguments of those, who, in the most vindictive votes which they had formerly supported, denied that they had supported any Resolution which would amount to a perpetual exclusion of the duke of York from the office of Commander-in-Chief? If it was not right that his royal highness should be appointed now, when a vacancy had occurred in the office, at what time would it be right? If after two years of expiation he ought not to be restored to office, after what period of expiation ought he be restored into an office for which he had more than common talents? It had been argued, that it formed an additional ground of censure, that the Prince Regent had been advised to make this appointment during the sitting of the same parliament which had passed the previous Resolutions on the subject of the duke of York's conduct; yet so far was he from concurring in this opinion, that he thought the circumstance an extenuation, if the act even were censurable. It was undoubtedly an extenuating circumstance, that, advising the appointment, ministers had not availed themselves of the facility of effecting it during a recess, without the danger of its being immediately called in question; and that they had resorted to the measure pending the sitting of the same parliament which had voted the former Resolutions. If that parliament had been dissolved, and a succeeding parliament called upon to rescind the Resolutions it had passed, he would allow, that such a course might be liable to the objection which had been urged. He would admit, that it was allowable to look back to former proceedings, in order to construe, by referring to the opinions then delivered, what was the intention of the House. The Resolution of the right hon. gent. opposite, (Mr. Bathurst) he looked upon as the most severe of all; and he thought it a considerable aberration on the part of that right hon. gent. (without meaning offence), with his acute and practical mind, to suppose that such a Resolution could remain a single day on their Journals without its producing the effect of having the duke of York driven in disgrace from his office. Yet that Resolution had been rejected, and the right hon. gent. himself had denied that any such effect was intended by him. Some hon. gentlemen, from the manner in which they had argued this motion, seemed to think themselves at liberty to go into the larger question, as to the propriety of appointing a prince of the blood to any office of responsibility. The question was large, but he would not consent to decide it in the person of the duke of York. He had before stated, and should then repeat, that a deliberative opinion of the army ought not to be considered by that House: not that he valued the opinion of such an army as we had less than other gentlemen; but that to suffer them to influence the deliberations of that House would be to endanger the constitution. He should oppose the motion on the grounds that the duke of York was as eligible to the office of Commander in Chief as any other subject—that he was peculiarly fitted for that office—that a vacancy had occurred previous to his appointment—that there was nothing in the recorded opinion of that House to shew that he might not hold that office—and that there was much in the proceedings on the former occasion to shew that it had been the wish of the House to guard against such a construction. He should, therefore, oppose the motion.

Mr. *Wardle* observed, that it was not his intention to have said a word upon this question, if it had not been for the allusions which had been made to transactions subsequent to the investigation, and in consequence of the particular and personal call which had been made upon him by an hon. gent. opposite, (Mr. M. Sutton). A right hon. member had alluded to certain expressions which had been made use of by the chief justice of the King's Bench in one of the trials which had taken place before him. He admitted that the words quoted might have been used; but he would inform that right hon. gent., that the Chief Justice had held opinions in the course of that trial which he afterwards abandoned. The learned judge would at first not allow any allusions to what had taken place in that House, yet subsequently, in his charge to the jury, had himself alluded to what he supposed to have fallen from him (Mr. Wardle) in that House, which upon a reference to the evidence would be found not to have been said by him. On the trial of Mr. Cobbett afterwards, that learned judge would not allow of any allusion to be made to what passed in that House; and Mr. Cobbett, when making it, had been stopped in his defence. Much had been said with regard to a witness who had been examined on the investigation, as to her having been bribed to give testimony which she afterwards contradicted on her oath: but at the time when she was giving such contradiction, she was a rich pensioner of 400*l.* per annum, besides having also received a very considerable sum of money; and it was for those who gave her that pension, and that considerable sum of money, to state for what services they had been given to her. With respect to another witness who had given testimony on the trial, Daniel Wright, he should state one fact: that he brought an action against the editor of a newspaper, for publishing a paragraph representing him as a perjured witness, and laid his damages at 1,000*l.* To that action the editor entered a plea of justification; and the consequence was, that Wright had withdrawn his action, paying his own costs. A paper had been the day preceding put into his hands, re-asserting the charge of perjury. As to the other witness, who had been attorney to Mrs. Clarke, he had to state, that Mr. Alley, his counsel, had asserted at a public dinner in the city, that that person had stated at his table what was contrary to what he swore on the trial. He had thought it necessary to state these facts to the House, and should not trouble them with any farther observations at that hour.

Lord *Milton* had but a few words to address to the House. An hon. member had said, that he was rejoiced that this motion had been brought forward, as it would give the House an opportunity to retrace its steps, and atone for its former error. He was glad to give that hon. gent. this satisfaction. The hon. member had asserted too, that during the former proceedings there was a kind of fever in the public mind, a *purito-mania,* which, by the delusion it created, led to the errors which he wished to retract. If he (lord Milton) had acted on that occasion from such a delusion, he would be ready, with the hon. member, to retrace his steps; but he had formed his opinion in that instance as a juror, and with the same solemnity as if he had been on oath; but it was because nothing had since happened to change the opinion he then formed, that he came forward with his present motion.

A division then took place—

For the motion 47
Against it 296
Majority................. — 249

List of the Minority.

Antonie, L.
Babington, T.
Baring, sir T.
Baring, A.
Brand, hon. T.
Burdett, sir F.
Byng, G.
Calcraft, J.
Coke, T. W.
Colborne, N. R.
Combe, H. C.
Creevey, T.
Dickenson, W.
Elliott, right hon. W.
Folkestone, lord
Grenville, lord G.
Hibbert, G.
Horner, F.
Kemp, T.
Lambton, R. J.
Langton, Gore
Latouche, John
Lefevre, C. S.
Lloyd, sir E.
Longman, G.
Lyttleton, hon. W. H.
Maddocks, W.
Mildmay, sir H.
Ossulston, lord
Ord, W.
Pierse, H.
Romilly, sir S.
St. Aubyn, sir J.
Sharp, R.
Shipley, W.
Smith, John
Smith, W.
Thornton, H.
Tracey, H.
Tremaine, J. H.
Wardle, G. L.
Western, C. C.
Whitbread, S.
Wilberforce, W.
Wynn, C. W.
Wynn, sir W. W.

TELLERS:
Lord Althorpe
Lord Milton.

HOUSE OF LORDS.

Friday, June 7.

BERKELEY PEERAGE — PREVARICATION OF WITNESSES.] The Committee of Privileges on the Berkeley Peerage sat from ten o'clock in the morning till near five. Some witnesses were examined on the part of the Claimant, two of whom grossly prevaricated, and their evidence was ordered to be reported to the House, and themselves to attend.

Immediately after prayers, the House proceeded to take into consideration the cases of the two witnesses ordered to attend. These two persons, namely Ellis Taylor Farren and Nicholas Hicks, appeared at the bar, and the evidence of the former having been read by Mr. Gurney, jun. the short hand writer, and also the evidence of Mr. Griffiths, solicitor, of Gloucester, through which the prevarication of Farren was proved, Farren and Hicks were ordered to withdraw. The Lord Chancellor moved a Resolution, That Farren had grossly prevaricated in his evidence before the Committee—which was agreed to nem. diss.; and Farren having been called in, was asked if he wished to say any thing in explanation of his conduct. After hearing what he had to state, he was ordered to withdraw, and the Lord Chancellor moved, that he be committed to the custody of the gentleman usher of the black rod, and that a warrant be issued for sending him to Newgate; both which motions were agreed to nem. diss.—Hicks the other witness, was then called in, and his evidence in chief and on the cross-examination, both together proving the prevarication, having been read by Mr. Gurney, he was asked if he had any thing to state in explanation. After hearing what he wished to say, he was ordered to withdraw, and earl Grey moved resolutions precisely similar to those moved by the Lord Chancellor in the other case; which were also agreed to nem. diss.

VOTE OF THANKS—BATTLE OF ALBUERA.] The Earl of *Liverpool* rose, and said, that whatever difference of opinion might sometimes occur in questions of this nature, he could anticipate none on the present occasion. The highest honour that could be paid to the exertions of our army and navy, were to be found in the thanks of the parliament, and the approbation of the sovereign, which was so felt by them to whom such approbation was given. He knew also, from former experience, that it was a tribute to departed merit most grateful to the surviving friends and relatives of those who fell in their country's service, a consolation that much alleviated their regret. An attention to this natural feeling was peculiarly applicable in the present instance, considering the nature of the conflict, the magnitude of the loss, and all the other circumstances of the affair. A peculiar feature in this action likewise called for particular attention. Though the severity of the action fell principally on the British troops, yet it was a battle in which not only British, but Portuguese and Spaniards shared the dangers and glories of the day. Though the army was thus composed of three nations, yet we had seen a perfect cordiality among the officers, and a similar courage and perseverance in the troops. The enemy's object was one of great importance; no less than raising the blockade and siege of Badajoz; in which attempt, if successful, he would have compelled the allies to retreat behind the Guadiana. For this purpose he had collected all his disposable force in the south of Spain, and advanced against the allied army. The details of the business were before their lordships, who had seen, that early in the day the severity of the attack fell chiefly on the Spanish forces; whose steady valour, if not crowned with success, shewed a resistance which was a proof of the innate valour of that gallant nation, and an earnest of still greater exertions. When the height was gained by the French, the efforts of our troops were such in regaining it as to equal the greatest examples ever afforded of martial prowess. Their lordships had lately had repeated opportunities of observing what was the gallant conduct of British troops; but from all the private letters which had reached this country, the victory then under consideration exhibited traits of individual character which were proofs of complete heroism. The corps of British troops, amounting to 8,000 men, were determined not to be conquered. The general himself, in his various experience, had never seen a parallel to their efforts. It must be most gratifying to contemplate the excellent conduct of our allies. Every occasion tended still farther to shew the good effects of that discipline which general sir W. Beresford had introduced and carried to so high a pitch among the Portuguese. After the battle of Busaço, it was natural to say, that although in that strong position the Portuguese did their duty, yet when they should come to face an enemy in the field, they might not succeed equal to the expectations that many had formed of them. In this case they were peculiarly tried, and there was the authority of the general, and many officers, for saying that they manœuvred in the face of the enemy's fire in a manner equal to the British troops. There was the same ground of justification in the conduct of the Spanish troops. If, unfortunately, there was any former ground of regret, the occasion had now occurred when Spanish and British troops had united with the utmost cordiality, and conquered. The enemy had failed in his object; had been repulsed, and compelled to retire with severe loss. By the judicious arrangements of our general before the battle took place, the enemy was prevented, in any event, from taking possession of our artillery and stores. By the result of the action we were enabled to recommence our operations. Viewing the number of the troops employed, we had certainly suffered a severe loss; a loss under such circumstances seldom surpassed; but it was consolatory to know they were not lost in a wanton conflict. The conduct of our general had been in perfect conformity to the instructions he had received from lord Wellington. While he deplored the loss, feeling as he did, and particularly with regard to some who had fallen, whom he had the honour of knowing, and particularly general Hoghton, he must still think, and he was sure their lordships would think that it was most honourable to the arms of the allied nations, and deserving of the thanks of that House. It was his intention, after moving Thanks to general Beresford and the Army under his command, to move a similar tribute to the Portuguese and Spanish armies. The noble secretary concluded with moving Thanks to general Beresford, and the British troops under his command.

The Earl of *Aberdeen* seconded the motion. After expressing his deep sense of the merits of this battle, and his general agreement with what had fallen from the noble earl, he mentioned some degree of surprise that no similar notice had been taken of the great merits of lord Wellington, in the battle of Fuentes de Honor; an action, which his lordship conceived, fully entitled him to a vote of thanks from that House, which was distinguished by a most masterly manœuvre, and which the thanks of the House recently voted to his lordship was no reason, in his mind, for preventing.

The Earl of *Liverpool* explained, that the thanks had been given to lord Wellington for the general system of the campaign. There would be no doubt of the disposition of government to thank lord Wellington for his achievements; of which he was certain, that noble commander was perfectly acquainted. No thanks voted to General Beresford could interfere with the honour so justly due to lord Wellington.

The Earl of *Moira* expressed his sincere and hearty concurrence in the testimony to the valour, skill, and perseverance displayed by general sir W. Beresford and his army. Their thanks he should have considered most worthily earned, had the battle been merely a grand assertion of the valour and dignity of the British name and character. On the general subject of the thanks of Parliament, of which he thought the value could not be kept up too high, he observed, that it had of late come too much into practice to exercise too great a latitude. There was a danger in this, because ministers might make use of them to gain parliamentary approbation of expeditions of their own, which were rash and improvident, though the officers employed displayed all those merits, which, as far as they were concerned, deserved a grateful return. In the present instance, however, there were no grounds of this nature on which suspicion could rest. It was another victory, which shewed to the world that the gallant officers and soldiers of our army were the worthy comrades of those who, on every sea, had proclaimed our naval glories. He was happy to see that cordiality as well as steady bravery, in the Spaniards; which cordiality, from some causes or other, had, unfortunately, not been displayed on any former occasion. He trusted it would lead to farther proofs of its efficacy; and that the excellent opportunities it must afford would not be lost, now that the war was, in fact, beginning daily to assume a more important appearance. It was with regret he alluded to our not having taken more effectual steps at an earlier period, to conciliate the Spanish mind, and to infuse into it a greater degree of confidence in us.

Lord *Mulgrave* agreed with the noble earl who spoke last, that great and extraordinary services, when frequently repeated, became less striking. There was nothing however in the present proceeding that could possibly have such an effect, as that alluded to with respect to lord Wellington: and it was unnecessary for him to say that he most cordially supported the motion of his noble friend.

The Earl of *Rosslyn* said, after what had been so ably stated, he could have but little to add. In all that was said in the way of unqualified praise, he most cordially concurred. But there was one point, more especially, upon which the illustrious officer in question deserved the applause of the country. He alluded to the high degree of improvement in discipline to which the Portuguese troops had arrived under his auspices. Of this part of the subject he had some knowledge, from his own personal experience. He was aware of the difficulties he had to encounter, and he knew better than some of their lordships the state in which general Beresford must have found the troops of that country. It was impossible he could adequately express his sense of that officer's merits on this head, or what the country owed to him for such an essential service. He hailed this striking improvement in the discipline and conduct of the Portuguese troops as a most auspicious omen for the Peninsula at large, and for the common cause. He felt it must operate as a most beneficial example to the Spaniards. He could not speak in terms of sufficient praise of the general conduct of the action at Albuera, either with respect to the skill, gallantry or spirit, displayed by every individual engaged on the occasion. He was bold to say that, in these respects, it was never transcended.

The Earl of *Harrowby* could not avoid saying a few words respecting a point which more than once had been alluded to that evening. He was confident the liberal and enlightened mind of lord Wellington felt superior to every consideration of the kind. His renown was too well established, not only in this country, but throughout the world, to suffer him to harbour such a sentiment; but if any thing could add to his satisfaction, it would be to reflect that his great example was followed by a commander so near to him—that he had infused into British generals the noble spirit of emulation. He acquiesced, of course, in all that had been said in applause of the glorious action under their consideration.

The Earl of *Rosslyn* explained, and highly panegyrised the military character of lord Wellington, to whom, in some degree, the success in question was to be attributed, in consequence of his admirable and very judicious arrangements for the conduct of the whole campaign. Indeed, he thought it impossible for any man of common sense to say that the vote of thanks to general Beresford could not be considered also as conveying a high compliment to the character of lord Wellington.

The question was then put upon the first motion, for the Thanks of the House to Lieutenant General sir William Carr Beresford, K. B. &c. which was instantly voted *nem. diss.*

The Earl of *Liverpool* then moved the Thanks of the House in the usual form, to generals Cole, Stewart, and the other principal officers of the army under the command of Marshal Beresford; which were voted in the usual manner. Also to the non-commissioned officers and privates serving in the different corps, and that the Lord Chancellor be desired to communicate the said Thanks in the customary manner to Marshal Beresford. His lordship also moved, That this House do highly approve of and acknowledge the meritorious conduct, the skill and valour displayed by the Spanish army under the command of general Blake, on the 16th of May last, in the glorious battle at Albuera.

Lord *Holland* expressed his wish to be informed by the noble earl what precedents existed of a proceeding of the kind, especially with respect to the mode of conveying the sense of parliament to those officers of our allies who were the objects of the vote? As the matter stood at present, it must be through the medium of the British commander. He seemed to think, by means of an Address to the crown, or to the person exercising the royal authority, that the sense entertained by parliament of the services of our allies might be conveyed: he had not read the precedents with respect to similar cases; he had the highest respect for the honour conferred by such a vote of the legislature, but thought the channel or mode of conveying the expressions of such sense should be in the manner likely to prove the most agreeable and respectful to those who were the objects of it.

The Earl of *Liverpool* observed, that the noble baron could not be more solicitous upon that point than he was himself; but precedents existed of proceedings of the kind, particularly in the seven years' war, in the case of the thanks voted to prince Ferdinand. He adverted to the frequent communication between the commander in chief and the government of that country, and said that care should be taken so to explain the matter to our illustrious allies, as would obviate every objection on that score.

Lord *Holland* expressed himself satisfied with what had fallen from the noble secretary of state.—The question was then put, and the motion agreed to, nem. diss.

HOUSE OF COMMONS.

Friday, June 7.

Parish Apprentices.] Mr. *Wilbraham Bootle*, pursuant to notice, moved, That a Committee be appointed to examine and state the Account of Parish Apprentices bound within the Bills of Mortality, and report the same to the House.

Sir *Samuel Romilly* expressed his regret, that a Bill, on this subject had not been prepared at an earlier period of the session, and commented with much feeling on the deplorable state of many of those orphans, and the abuses, which prevailed from the mal-administration of the existing laws. There was no subject which had a more powerful claim on the interference of the House, nor any in which that interference was likely to be productive of more good. There were several abuses which it was in his power to enumerate, but he should confine himself to a few of the most prominent ones. It was the practice of some of the parishes to bind a great number of apprentices at the distance of 2 or 300 miles from town, where they were deprived of all hope of ever seeing their parents again, or if they attempted it, were in danger of being taken up as vagrants in some of the parishes through which they might travel. This was to be lamented, for every thing good in human character arose from the cultivation of that natural affection which subsisted between parents and children, and other amicable feelings of this kind. The consequences resulting from binding such a number of apprentices to one person, were very bad. He knew a recent instance of a man in Manchester, who had become a bankrupt, and no less than 200 parish apprentices bound to him, were, on his failure, marched off in a body to the workhouse? He was sorry to learn that there were so many objections urged against the Bill in contemplation, and he hoped the subject would be fully and maturely discussed. Among other evils attendant on the present disposal of parish apprentices, the crime of murder committed by the masters was not unfrequent, and he was in possession of some instances, which would fill the House with horror. In 1787, an unfortunate girl had been murdered by her master, by inclosing her in a heated oven: and several others, which he felt surprised had never produced the legislative interference of the House. Those poor children looked to the House for that protection which they could not meet elsewhere, and though it was too late in the present session for the Committee to effect any thing, he trusted the subject would be fully investigated.

Sir *J. C. Hippisley* heartily concurred with his hon. and learned friend, in the necessity which existed for the interference of the House, and knew of several instances similar to those which he mentioned.

Sir *R. Peel* said, that this subject had engaged much of his attention some years ago, and he had introduced some measures into the House relative to it. The abuses complained of were not confined to large establishments, as stated by the hon. and learned gentleman, where, on the contrary, it was the interest of the masters to derive benefit from the labour of the apprentices, rather than to destroy them, as they received them without a premium. Nor could he agree with him in what he stated about the evil of the apprentices being torn from their parents, for in fact, they had no parents who owned them, but they were thrown on the parish. If the number of apprentices in the large manufactories was limited, it would be productive of considerable injury to individuals, and the country at large.

Mr. *Wortley* stated, that if cotton manufacturers were prevented from taking a number of those apprentices, the price of labour would be raised, and great inconvenience experienced.

Mr. *Davies Giddy* said, that he did not differ much in the main question from his hon. and learned friend, but thought, that a system of too minute legislation had gone abroad lately, and denied that a few instances summed up, and dwelt upon, were sufficient to prove that the abuses complained of were so great as represented; for his part, in his experience as a magistrate, he knew more instances of the bad conduct of apprentices than of masters, who were urged on by their profligate relatives, whom his hon. and learned friend wished they should see more frequently.

Mr. *M. A. Taylor* contended for the necessity of some regulation to ameliorate their condition. In his own experience, as a magistrate, he had known many instances of the inconveniences they suffered under the existing regulations.

Mr. *Wilbraham Bootle* said, that as he had been given to understand that extraordinary opposition would be given to the Bill he proposed to bring in, by the different Vestries, he had thought it better to move for a Committee, and defer the Bill till next session, instead of bringing it forward now, when it might be thrown out, and a second one would come with a bad grace after the rejection of the first.

The motion was then put and carried.

VOTE OF THANKS—BATTLE OF ALBUERA.] The *Chancellor of the Exchequer* observed, that, according to the course of proceeding adopted by the House in the present session, orders of the day were to have precedence of motions on this day; still however, he felt a conviction, that the motion which he had to make, a motion recognising the merits of the general, the officers and the gallant army engaged in the glorious battle of Albuera, would be allowed by the House to take precedence of any other business. (Hear, hear.) He collected from this cheer an admission on the part of the House, and should therefore proceed. Now again he felt himself placed in the situation, in which he had imposed upon him the agreeable duty, which several times during the present session he had had to perform, of presenting to the consideration of the House the eminent services of the British and allied armies—services which had been so frequently crowned with the most signal and brilliant success. He had again to bring under the notice, and recommend to the attention and approbation of that House, the meritorious conduct of the officers and men of that army, who had so nobly distinguished themselves in the glorious cause in which they were engaged—the defence of the oppressed people of the Peninsula against the most grinding system of tyranny and oppression to which any nation had ever been exposed. He had on this happy occasion to enrol upon the illustrious list of those heroes who had signalized their valour and skill in their country's service, the names of general Beresford, who so ably commanded the allied army at Albuera, and of the other officers, whose eminent merits contributed to the brilliant victory obtained in that part of the Peninsula. To himself it was grateful, as he was convinced it would be satisfactory to every gentleman who heard him, and to the country, that, although they might feel a pride in contemplating the accumulated glories and honours acquired by particular generals, yet the country could reflect with exultation that it was not to one or two generals they could look with confidence for signal talents and heroic achievements in the field, but that the country had numerous generals competent to meet any general of France, with an army nearly equal in numbers, not only with glory to themselves, but with defeat to their enemies. It was remarkable, that, in the short period of the present session, this was the third time it had become his duty to bring the eminent services of the army under the consideration of the House, as introductory of a vote of its thanks—the highest honour it could bestow. And here, he trusted, that the House would do his Majesty's ministers the justice to allow, that they had not studiously taken advantage of gallant exploits of equivocal character or inferior importance, to call upon the House for its thanks, for the purpose of obtaining an indirect attestation of their own merits and exertions in providing the means of accomplishing such successes. The House would, therefore, he was fully persuaded, give them credit for not having multiplied their applications to parliament for the high honour of their thanks to reward eminent military services, with any such paltry view. No, it was a duty imposed upon them by the blessing of Providence, which enabled his Majesty's forces to achieve in the short period which had elapsed of the present campaign, more signal and glorious successes than had been heretofore obtained in almost any space of a tedious and protracted war. Sure he was, that upon this point the House would be more disposed to censure the conduct of ministers for having been too sparing in their applications — for having withheld the thanks of that House from meritorious services—than to complain of their having multiplied the instances in which they called upon the House to record their high approbation of the gallantry and good conduct of their brave officers and troops.

He need not here allude to the capture of the island of Banda in a most romantic and chivalrous stile by a small but heroic band—an enterprize entitled to rank for decision and intrepidity with any to be found in the annals of military achievements. Neither need he point out the masterly and gallant manner in which the conquest of the islands of Bourbon and Mauritius had been accomplished; an object of so much importance, not only from the annoyance which they enabled the enemy to give to British commerce, but from the anxiety which every minister of this country had manifested to obtain possession of them. The House would acquit ministers of any anxiety to drag before their view services, however important, which might admit of doubt as to their claim to the thanks of Parliament. The occasions to which he had alluded particularly, as having submitted for the approbation of that House, were the gallant exploits performed in the peninsula; from the glorious victory of Busaço, obtained by lord Wellington in his retreat to his lines, to what surpassed all—the important victory at Almeida. Under all the circumstances of the case, it would be admitted that they had rather abstained from overloading the Journals with Votes of Thanks, than unnecessarily squandered that proud distinction; and if any gentleman were to criticise their conduct, his animadversion would be directed to their forbearance, at a period when scarce a day passed without an expectation of some victory; which expectation was uniformly realised by the next accounts. In short, such a tide and flood of victory flowed in our favour, that of our army it might be said, as of an army of old, "Hostis nihil aliud est nisi perpetua gloriæ materia vestræ." The enemy, by the incessant victories gained over them, seemed to serve only as a fund to supply materials for the accumulating glories of the British army. He had only to refer to the manner in which the former votes had been received, to shew that he had not been lavish in bringing these votes forward.

Having stated thus much as to the circumstances in which he brought forward the motion of that night, he should proceed next to state the circumstances of the action to which his motion applied. It appeared by the dispatches, that general Beresford was engaged in the siege, when he received intelligence that marshal Soult, having collected from the corps of Victor, Sebastiani, and from the interior of Spain, all the force which he could assemble, had broken up on the 10th of May from Seville, to march to the relief of Badajoz. Upon receipt of this intelligence, it appeared that he considered how he should meet the attack; whether he should raise the siege of Badajoz and await the attack of Soult, or provide for both objects. He determined to prepare for the attack, lest by endeavouring to attend also to the siege, he might risk the loss of both objects. He then took up a position on the river Albuera, where he was joined in the evening preceding the action by the allied force under generals Blake and Castanos, in pursuance of a previous arrangement with those officers; and it was not till the morning of the day on which the battle was fought, that he was joined by the corps under general Cole, which had been left to cover the conveyance of the heavy ordnance and stores from before Badajoz to Elvas.—The right hon. gent. then proceeded to detail from the official dispatches, the order of battle—the Spaniards on the hill on the right, general Stuart's division on the left of them, and general Hamilton's on the left of general Stuart's. The enemy made a demonstration on the left, and taking advantage of the weather, which masked his operations, directed the main body of his force and all his attention to an attack upon the position occupied by the Spaniards on the right. The Spanish troops resisted this concentrated attack with intrepidity and courage, but were at length obliged to give way to superior forces, and were driven from the hill. To the immortal honour, however, of these gallant troops, they rallied at the bottom of the hill, turned upon the enemy, and kept them in check by their fire, till the brigade of lieut. col. Colbourne came to their support. The brigade of general Cole was stationed in the rear of the Spaniards. The brigade of colonel Colbourne, not being able to dislodge the enemy from their position by their fire, proceeded to charge them with the bayonet; and it was in this charge that that brigade, consisting of three regiments, suffered so severely from an unexpected charge by a division of Polish cavalry. A small regiment, the 31st, kept this cavalry in check, till the brigade of general Hoghton came up; when that brave and distinguished officer fell, cheering his men to the charge.—

Whilst stating this circumstance, he trusted the House would agree with him as to the propriety of marking their admiration of the glorious circumstances of his death, by erecting a monument to the hero at the public expence; at once a testimony to posterity of their gratitude and his glory. (Hear, hear!) In the course of this contest it would be observed that every man did his duty. But it was against the right that the principal efforts of the enemy were directed. In this point, the brigade of general Cole, and particularly the fusileers, took the French on their left flank, and making a combined charge with the other troops, drove them from the eminence which commanded the British line, and which was the great object of their efforts to acquire, and of their ambition to retain. It was upon being driven from this hill that the French were broken, and forced with great slaughter down the hill. Never had there fallen in so small a space so many victims to the fury of war as on the acclivity of this hill, after the enemy had been driven from the summit to the bottom.

When he stated that the whole of the battle took place on the right, he did not mean to be understood that no efforts had been made in any other part of the line. The enemy had directed serious attacks in other quarters, and if no other action had been fought but what had taken place at the bridge of Albuera, that alone would be enough to immortalise the glory of that day. Such had been the circumstances of this glorious battle; the consequences of which were—the flight of the enemy from the scene of action—the abandonment of their wounded: and the situation of the miserable remnant of the French army might be estimated from the intercepted letter of general Gazan to Marshal Soult, which represented the force under him of wounded to amount to 4,000 men. But the usual consequences of this glorious victory would prove most highly beneficial to the cause in which we were engaged. When they considered the effect that must necessarily be produced by the signal disappointment of all the boasts of the enemy, by the frustrating of all their proud pretensions and anticipated triumphs, it was impossible to describe that effect in stronger terms than in the language of general Beresford, who alluded to the impression that would be made by the return of Marshal Soult, after all his boasts, to Seville with a broken army, and what was worse, a diminished reputation. But in the circumstances of this action there were some particulars which might afford the enemy a pretext to claim a victory. In the charge which the brigade of colonel Colbourne had sustained from the Polish cavalry, the three regiments of which it was composed undoubtedly lost their colours. The colours of one of them were afterwards recovered, one standard re-taken from the enemy, and the other preserved for his corps in an exemplary manner by the gallant officer who had the charge of it. The colours of the two other regiments undoubtedly were in the possession of the enemy, and would in all probability be made the ground of a claim of triumph. Whilst upon this topic, he trusted the House would excuse him for adverting to the very gallant and heroic conduct of the two officers who bore the colours of the Buffs, which had been preserved. One of them was surrounded by the enemy, and when asked to give up his colours, answered, " Not, but with my life!" and his life was the instant forfeit of his refusal, (a call of Name! name!) The name of this heroic individual was ensign Thomas. The standard thus taken was afterwards recovered from the enemy. The manner in which the other standard was preserved, was marked by circumstances equally meritorious and honourable to the individual who preserved it, and equally entitled to the applause and admiration of his country. Ensign Walsh was the officer he alluded to. This gallant individual, having the staff of the colours broken by a cannon ball, which also severely wounded himself, fell upon the field of battle, and more anxious about his precious charge than for himself, contrived to separate the flag from the remnant of the staff, and secured it in his bosom, from which he afterwards produced it when his wounds were dressed after the battle. (Hear! hear.) He was rejoiced to name these heroic individuals, and to give all the splendour to their reputation, which the mention of their deeds in that House was calculated to confer.—He knew not whether it might be permitted him here to mention also the case of General Beresford himself. After the charge of the Polish cavalry, which had proved so disastrous to the brigade of colonel Colbourne, one horseman, separated from his corps, and unsupported by any others, approached so near Marshal Beresford, either from the effects of intoxication or the phrenzy of military enthusiasm, as to aim a blow at his life. The general, anxious only to preserve the life of the man, evaded his blow by his dexterity, and, availing himself of his superior strength, pulled him to the ground; but no sooner was he perceived still meditating a blow at the general, than he was instantly dispatched by one of his orderlies. He mentioned this only to shew that this unforeseen accident might have deprived the country of the services of this gallant officer.

He begged the House now to allow him to allude to the moral consequences which must result from this victory—such a victory occurring at such a time and under such circumstances. When they considered the attempt of Massena to relieve Almeida, and the almost contemporaneous effort of Soult to relieve Badajoz, they could not consider both in any other light than as a desperate attempt, undertaken in pursuance of orders from their govenment, to retrieve the character and the honour of the French arms in the Peninsula. He had also to acquaint the House, that it was now well ascertained, that Marshal Soult, on leaving Seville, in the confidence of anticipated victory, published one of those boasting proclamations for which the French generals were so remarkable; and that he had frequently on his march addressed his troops upon the certainty of their success. The utter disappointment of all these confident expectations of victory must raise the hopes and increase the confidence of the Allies, at the same time that it must lower the tone and the pretensions of the enemy. He could not but consider it as opening new and flattering prospects to us in the Peninsula.—He was aware that some gentlemen were of opinion, that there was no limit to the means of the French emperor, and that he could have no difficulty in sending three or four hundred thousand men into the Peninsula. For himself, he should say, that he did not think it so easy for him to send any large force thither; particularly when there was a prospect that he might have employment for so many of his forces elsewhere. But even if he should be able to place his force in the Peninsula on the same footing as before, he would find the allies better prepared to meet him: he would find from the glorious example set by the Spanish troops at Albuera, far different enemies to contend with. When he looked to the grevious disappointment of the hopes of the enemy, he could not think he entertained any exaggerated confidence in the operations of war: their issue was in other hands. Whether the pleasing hopes he entertained were well founded, under all the circumstances, he should leave to the public to decide; but whatever might be the foundation of his expectations, he prayed that God, in whose disposal the issue of all contests was placed, would grant that they should be realised. He would now conclude with moving, "That the Thanks of this House be given to lieutenant-general sir William Carr Beresford, knight of the most honourable order of the Bath, for the distinguished ability displayed by him on the 16th of May last, in the glorious Battle at Albuera, which terminated in the signal defeat of the enemy's forces."

Lord *Castlereagh* rose to second the motion. He expressed his conviction, that every man would rejoice, after the laborious efforts which general Beresford had bestowed on the creation and disciplining of the army, to find that he was rewarded by an opportunity of proving his valour in the field. With respect to the action itself, it was only necessary to follow the detail of the gallant officer, to admire it; but there was a difficult military question to be decided before the battle, for which he was entitled to the greatest merit. Lord Wellington was enabled to shew a force both at Badajoz and Almeida to the enemy, and it was for general Beresford to decide whether he would wait for the reinforcement which he knew to be coming, or act with promptitude upon the moment, trusting to his own measures. He took the manly and the judicious step. When they looked to the battle itself, they would perceive that the chief stress was on the right wing; and the House was aware in what a narrow space the conflict was decided—no less than 7,000 individuals lying upon the ground. The extent of that struggle might perhaps be measured by the numbers which were lost, numbers only equalled by those at the battle of Assay, considering those engaged. But if they wished to form an opinion upon proper grounds, let them look to the intercepted letter of the enemy; to the circumstances of the retreat, to the fact of the British army being in possession of the field, and general Beresford being enabled to advance a corps upon the retreating enemy. He complimented the ability by which the siege of Badajoz was raised, and though he could not avoid regretting, when he recollected that British soldiers bore the loss of such a number, still, if war must be carried on, sacrifices must be made, and losses expected; and it was consolatory to reflect, that never was a loss sustained under circumstances more honourable to the British character. The way to decide the advantage of this battle, was to weigh it together with the whole campaign, and he would say, that in no campaign was the sacrifice of human life so small, considering the effects produced by it. Lord Wellington had proved himself to be as sparing of the life of the soldier as he was careful of his health; and, checking his propensity to seek for glory, he economised the existence of those placed under his command. He knew, when he was in a situation to be better informed upon such subjects, that the proportion of the loss of the two armies bore no comparison. He was sure the House would feel that a great feature would be absent from the present contest, if, after the expulsion of the French from Portugal, a trial of strength had not been made upon both frontiers. He considered the two contests as trials of strength, undertaken by the enemy, in both of which he was unsuccessful.—In adverting to the co-operation of the Spaniards, he was happy to find that the testimony of the general represented them as having done heir duty in that day's battle, and he hoped the example would lead to happy results in the future. Up to the present moment, France had made but little impression upon Spain; for with all her efforts, she had never been able to send forth a single Spanish regiment to assist in the subjugation of the country. Whatever defects might exist in the military system, and that great defects did exist he was perfectly conscious, the House should recollect that Spain was not conquered, that she was not divided. As to those defects in the national character of Spain, which prevented her from availing herself of our more efficient assistance and co-operation, from putting herself in that condition which would enable her more effectually to resist oppression, it was but justice to observe, that the same untractable character that made her so unmanageable in the hands of her friends, made her more unmanageable in the hands of her enemies. No nation had ever proved more true to herself than Spain; but if she allowed her troops to be disciplined under British officers in the same manner as the troops of Portugal were disciplined already, her cause would be much advanced. At the same time it was to be remarked that she had not the same opportunity that was offered to Portugal. We had never said that we were ready to pay her troops, as well as to take them under our command; and he was confident it contributed greatly to the success of Portugal, that her soldiers were now, for the first time, paid weekly, and accounted with in as regular a manner as the British soldier. He was not sure, giving all the merit to Portugal she deserved, that the national character would have offered the same resistance to France as that of Spain had done. But he did not wish to draw any invidious comparisons—they were both fighting for their liberties—they had both displayed great energies, and he would only say, as had been already said, "that this great contest must be seen out, and that we must do our best in it." No one could pronounce upon the result, but they would have a better eye to posterity and the duty which they owed their constituents by doing all they could, and leaving the rest in the hands of Providence. He allowed that the war was a great burden, but he knew no man was prepared to say that he saw the moment when it ought to be abandoned. He was sure at this moment, that nothing remained for the country to do but to follow up the advantages it had so happily obtained.

General *Tarleton* thought that the conflict at Albuera had been one of the most severe and sanguinary during the war; and bore testimony, from private information he had received, to particular instances of gallantry and intrepidity that had been therein shown by our troops. He complimented the Chancellor of the Exchequer on the military precision with which he had stated the details of the battle. He knew no occasion on which the British troops had shewn greater instances of determined courage.

Sir *Henry Montgomery* could not hope to be able to add to the eloquent statement of the right hon. gent. and the noble lord, but still could not forego the satisfaction of offering his tribute of applause to the gallant general and the gallant army whose services was the subject now under consideration, nor could he contemplate without emotions of pride, that the gallant general, and also generals Cole and Hamilton, who bore so conspicuous a part in the glory of the day, were his countrymen. He hoped he should hear no more in this House that Ireland was a burden to this country. The right hon. gent. had on a former occasion, as well as the present, made honourable mention of glorious events in another quarter of the world, the capture of Amboyna, and Banda, and he was right, for the picture of more gallant exploits was never submitted to this House, and he requested the House to recollect that these services were achieved in conjunction with the navy, by a part of that army which the tyranny and oppression of sir George Barlow had driven into a state of mutiny; and he was confident when that subject came before the House, this exploit, with a recollection of the long and zealous service of that army, would ensure to it the serious attention of parliament.

General *Mathew* hoped that he should not be considered as digressing, if he stated shortly the services of the gallant general who was the object of the present motion. General Beresford had been thirty years in the service of his country. He commenced in America, was at Toulon, at Corsica, in India, at Madeira, in Portugal, and in Spain with sir John Moore. He had only to state to the right hon. the Chancellor of the Exchequer for his consideration, that the gallant general had lost almost all he was worth in the world by the failure of his relative in Dublin. He stated this merely for his consideration, in the hope that some pecuniary reward would be added to his honours.

The Resolution was then agreed to *nem. con.* As were also the following: "That the Thanks of this House be given to Major-Generals the honourable Galbraith Lowry Cole, the honourable William Stewart, John Hamilton, the honourable William Lumley, Charles Baron Alten, Brigadier-General Robert Ballard Long, and the several other officers, for their distinguished exertions on the 16th of May last, in the glorious battle at Albuera; and that lieutenant-general sir William Carr Beresford do signify the same to the honourable William Stewart, John Hamilton, the honourable William Lumley, Charles Baron Alten, Brigadier-General Ballard Long, and the several other officers. That this House both highly approve of and acknowledge the distinguished valour and discipline so conspicuously displayed by the non-commissioned officers and private soldiers of his Majesty's forces, serving on the 16th of May last, under the immediate command of lieutenant general sir William Carr Beresford, in the signal defeat of the enemy at Albuera, and that the same be signified to them by the commanding officers of the several corps, who are desired to thank them for their gallant and exemplary conduct."

"That this House doth highly acknowledge the distinguished valour and discipline displayed by the officers, non-commissioned officers and soldiers of that part of the Portuguese army which served under the immediate command of lieutenant general sir William Carr Beresford, on the 16th of May last, in the glorious battle at Albuera."

The *Chancellor of the Exchequer* said, that though he believed there was no instance in which that House expressed its thanks to the allies, unless when they acted under officers of our own, yet the nature of the present contest justified, he thought, a deviation from that rule: and, upon this ground he should move, "That this House doth highly acknowledge the distinguished valour and intrepidity displayed by the Spanish army under the command of his excellency general Blake, on the 16th of May last, in the glorious battle at Albuera."

The *Chancellor of the Exchequer* next moved, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions, that a Monument be erected in the cathedral church of Saint Paul, London, to the memory of major-general Daniel Hoghton, who fell gloriously on the 16th of May last in the battle at Albuera, which terminated in the signal defeat of the enemy's forces; and to assure his royal highness, that this House will make good the expense attending the same."

Mr. *G. S. Rose* begged leave to offer a few words with respect to the conduct of that gallant officer, who had acquitted himself worthily in all situations, both as a soldier and as an accomplished gentleman. He had devoted his life to the most active services, and visited every climate in the pursuit of that glory which his profession held up to his view. He had commanded a brigade at Martinique, and on his return from that country exerted himself to get employment under that illustrious general, his friend lord Wellington, whose greatness he had foreboded at an early period. In his last conversation with him, he had stated it as his distinct opinion, that on no account should England relinquish the scene of warfare upon which she was now acting with so much success. It was his fortune to head one of those bands of heroes, who restored the glory of the day at the battle of Albuera, and to perish in the act of encouraging his men. He trusted he should be forgiven for drawing the attention of the House to the merits of the distinguished general, whose memory they were now about to honour, and adding his testimony to that of the country at large, in favour of his virtues and abilities.

Mr. *Villiers* adverted to the memory of the lamented general Mackenzie. The circumstances of his death, in the battle of Talavera, were precisely similar to those attendant on the fall of general Hoghton. He thought therefore that as their rank was the same, and that their deaths had been alike glorious, their names should live in the equal testimonies of their country's gratitude.

The *Chancellor of the Exchequer* admitted the full force of the observation just made; but there was a line of distinction which regulated the grant of honours, independent of the equal claim upon the score of merit. What that was, as applicable to the present instance, he confessed himself then unable to state accurately. He should take care to make himself better acquainted with the distinction—and till he did, he should suggest to his right hon. friend the propriety of waving all further discussion on the claims of that much-to-be-lamented officer.

Mr. *Villiers* acquiesced in the propriety of this suggestion.

Mr. *Whitbread* asked if it was not possible that there might be some expression of the feelings of the House upon the transcendant merits of the two young men who had behaved so heroically in the defence of their colours.

Mr. *Abercromby* was glad the observation had been thrown out by his hon. friend. He had long thought that there would be great use in that House noticing and recording every splendid instance of individual valour, however low the rank of the person.

Mr. *Canning* spoke to the same effect. At the same time that there must necessarily be some general limit which, whatever might be its latitude, might yet bear hard in its exclusive operation—there were instances however, that might well be admitted as exceptions; of which there surely could not be one more touching and more splendid, than that of the gallant youth who, as he fell, was only anxious to lay the colours of his country to a congenial heart that beat high for her praise, and whose last throb was for the glory of her arms.

The Resolution was agreed to *nem. con.*

MILITARY POLICY OF THE COUNTRY.] Mr. *Hutchinson*, in pursuance of his notice, rose, and addressed the House to the following effect:—Sir; the wish for a secure and honourable peace must be general; but no one, at this moment, believes in the possibility of its attainment; nay, all agree in the necessity of continuing the war. Those who, till lately, shared in the universal panic which the unrivalled success, for many years, of the French arms on the continent had produced, are now considerably shaken in their first impressions, and inclined to hope where they had once despaired. Those who, with myself, never swerved from the opinion, that this nation possessed great military power, though they have lamented, and still continue to lament, the too frequent misapplication of that power, and the inadequacy of our exertions, cannot but most heartily rejoice in any event which demonstrates the gallantry and efficiency of our troops, however they may consider such events as indecisive of ultimate success, and only as positive proofs of the capability of the empire—proofs, however, not requisite to establish, though they afford a noble confirmation of our long-acknowledged character for national intrepidity.

Yet, Sir, while ministers hold this language themselves, and cheer these sentiments in others, they declare that we are contending for our very existence as a state—that the great cause which we maintain in the Peninsula, is not so much that of the allies, as our own—that it is better to decide our fate there with the enemy, than to have to contend with him on these shores. We have been triumphantly congratulated on having escaped the fate of all the other powers of Europe, on our having arrested the progress of the enemy, by our glorious achievements in the Peninsula, where we are told, that we have directed the "impending thunderbolt" harmless to the earth. We have indeed gained that, which in war is inestimable—fame! We have obtained that, which is in itself a tower of strength—confidence!—While to the taunts of an enemy, become insolent by success, we have replied by repeated victories.

But Sir, as I was not one of those who mistook hopes for certainties, or construed the retreat of an enemy into the consummation of a campaign, I am not now surprised that a contest, which was considered as having finally terminated, should have but just commenced. I cannot forget that we are but now recovering, in consequence of the enemy's cession, that country, of which he had but recently dispossessed us. Assuredly we have cause to rejoice, and to be sincerely thankful—but while victory, that victory which is to decide between the two countries, is still doubtful, we should prepare more than ever for war—not hang up our arms, nor devote merely to eulogies and congratulations, those precious moments, which should be employed in exerting every nerve to afford lord Wellington, (who has spent his life in the "tented field," and who, repeatedly victorious, has never yet been defeated), a fair opportunity of measuring swords with the enemy, when, with increased force and confidence, he shall "rally for the fight."

Sir; there is no man in this House, or in the country, less disposed to excite a spirit of interminable warfare than I am; but however most desirable a secure and honourable peace may be, as well for the interests of humanity, as to lighten the severe pressure on the public, I cannot discover in either government any pacific disposition; neither will, I fear, consent, without first obtaining an unfair advantage over the other. With the exception of the war in the Peninsula, Buonaparté's splendid and unequalled success has been the result of plans wisely conceived, and ably executed. His objects have been worthy a great conqueror. His exertions and means employed fully equal to the attainment. Look to him in 1799, when, for the first time, he was placed at the head of the government of France, collecting at Dijon an army of reserve (ridiculed, because its object was not understood), with which he secured his victory at Marengo in the following year (1800). See him at Boulogne with his army of England, equally ridiculed, preparing in 1803 for the defeat of Austria at Austerlitz in 1805. Behold him in his Confederation of the Rhine (early in 1806) anticipating by its agency the enthraldom of Germany, the subjugation of the Prussian monarchy, and the humbling of the great Autocrat of the north. View him on the Vistula in 1806-7, (while we were ridiculing his exertions, anticipating his destruction, and paralyzed into a state of culpable inactivity) collecting troops from Italy, and the most western extremities of France, Flanders, and Holland, by the aid of which, he afterwards fought and conquered on the memorable day of Friedland, decisive of so much!—Witness similar exertions after the battle of Asperne (1809) when at Wagram, he repaired the disasters of that day, and established his real supremacy in Europe, by a masterly and rapid junction of scattered and distant corps. See him at this moment in the north-west of Europe, under the pretext of merely excluding British commerce from the Continent (one of his objects doubtless—one too originally ridiculed as visionary; but which, however, unhappily for us, has been but too successful), organizing a force, by which he has already nominated to the throne of Sweden, and is now enabled to make any distribution he pleases of those of Denmark and Prussia. See him at Dantzic, Custrine, and Stettin—behold, on the north-east of Germany, his long-delayed, but sure-working plans as to the reintegration of Poland, whence, as from a citadel, he will be enabled to hold in subjection the whole European Continent. View him in his Illyrian empire, already directing his footsteps, resolved to plant his eagles on the Byzantine throne of the Cæsars. And, finally, behold him calling out the conscripts for 1811, for the purpose of securing, if not resisted by counter-exertions on our part, the conquest of Spain and Portugal, however hitherto deferred—and (not unlikely) for ulterior objects too, the mere mention of which might subject one perhaps to the scorn and derision of this House, and to the reprobation of an easily deceived public; who, feeble when they think themselves invincible, are frequently most confident when they have least reason for being so—and who, possessing great resources wherewith to become strong, are often ignorant how to call forth such power, and still more how to employ it when arrayed.

From these examples, Sir, it is evident that Napoleon has left nothing to accident or chance, but that (with the exception already mentioned) he has invariably acted on plans suggested by the wisest policy, and carried into effect with the most consummate military talent. What have been during the same period, our continental exertions? In 1800, we appeared off Genoa with a small corps, not exceeding 4,000 men, a few days subsequent to the battle of Marengo. The junction of a considerable military force, such as might easily have been furnished by this country, would in all probability, a few days prior to our arrival, have secured the victory to the Austrians, and possibly have prevented the forming of those fetters, which have since enchained the powers of Europe. The attempt at least would have been worthy of this nation, and so great a cause. Subsequent to this, in the same year, we made two unsuccessful attempts against Ferrol and Cadiz. In 1801, with about 14,000 effective men, we undertook the expulsion of 26,000 of the chosen troops of France from Egypt—a glorious expedition, and the only one successful during that whole war. In 1805, with 8,000 men, we formed a junction in Italy with the Neapolitan and Russian armies, but we speedily abandoned the country, and landed in the December of that year, with 25,000 men, in the North of Germany, where we took up a position on the Weser, but not until the battle of Austerlitz had been lost, and an armistice signed preparatory to the peace of Presburgh. In 1806, with less than 5,000 men against a greatly superior force, we gained the battle of Maida, which, though highly glorious to the troops and to the general (sir John Stuart) as every thing connected with his military life has been, had no beneficial result. In the same year, we made several piratical descents at Buenos Ayres, where, after having increased our force to 10,000 men, we were ultimately foiled and disgraced. In 1807, with a small corps, we made an unnecessary, unjust, and inglorious descent on the coast of Egypt, from whence, in a few months, we hastily retired. And in the same year, (after permitting a favourable opportunity to escape us, and suffering our allies, the Russians, to waste themselves in a most unequal contest, which they maintained with the utmost heroism) we appeared, at the very eve of the peace of Tilsit, with a small corps of 7,000 men at Stralsund, whence we speedily retired, without performing any thing; and with increased numbers, amounting to 25,000, we shortly after succeeded in the unhallowed capture of Copenhagen. In 1808, the gallant and ever-to-be-lamented sir John Moore, was dispatched (with what rational military object remains still to be explained) to Sweden, with a chosen corps of 10,000 men, which his good sense and firmness probably saved from destruction, and with which he shortly returned to the British coast, without having fired a shot. In the same year commenced our campaigns in Spain and Portugal, under the most propitious circumstances, the spirit of our people and that of the allies most enthusiastic—the state of Europe favourable—the cause a great and just one! Yet sir John Moore, though at the head of a nominal corps of 40,000 men, was at no moment in a situation of offering battle to the enemy, with a force much exceeding 26,000 effective. I am aware that the Downing-street generals, assisted by their staff and official documents, proved to their own satisfaction at least, that he had 40,000; but sir John Moore, though in the field with them, never could discover more than 26,000; it is true, indeed, he had recourse but to the old exploded method of counting by the head. Yet in this same year it appears, that the whole French force collected behind the Ebro, did not exceed 45,000 men—and early in this year we might have had 70,000 in the peninsula. In 1809, after having received intelligence of the loss of the battle of Wagram, we committed an army of 40,000 men to the marshes of Walcheren. Our bravest sons, eager for the fight, there died the death of cowards and of common men! Sunk without wounds, and fell without renown! And this we did with such an admirable choice of time and place, that even had success ensued, we could not have struck an effectual blow against the power of Buonaparté.—Yet early in that year, by uniting only our Walcheren, Spanish, and Sicilian armies, we might have thrown on any part of the continent 93,000 men, a force greatly superior in number to that with which the archduke Charles joined the battle of Asperne, and nearly equal to that with which the enemy obtained the decisive victory of Wagram.

What, Sir, would Buonaparté have done with our means? How would he have availed himself of such opportunities? On several different occasions, the French armies were in Austria, at the most distant points of Prussia, nay at the eastern extremity of Poland. France, stripped of troops, exposed at all points, a population of eleven millions in the Peninsula, animated as one man against her, a hostile disposition towards her in various parts of the continent, these islands, peopled with a hardy gallant peasantry, trained in a great degree to arms, an embodied militia from 65 to 86,000 men, a regular army from 135 to 235,000, a local militia to any amount, the undisputed empire of the seas, tonnage equal to convey any number of men, the enemy's shores within a few hours sail, all Europe open to us.—What, I ask, with these opportunities, and such means, would not Buonaparté have attempted? What would he not have effected?

It has been said, that had we to select a spot in Europe, most favourable to ourselves, and most disadvantageous to the enemy, we should have chosen that on which we now act in the Peninsula. We have been reminded of the great and appalling difficulties under which the enemy has brought up his troops and supplies from the most distant points, and of the great comparative facility with which we have effected the same objects, in consequence of our maritime advantages and locality. How have we availed ourselves of these advantages of which ministers boast so much? The strength of lord Wellington's army, originally 25,000 men, has not in the course of two years been increased to more than 35,000 effective British; that strength now much diminished, in consequence of our severe recent losses. Yet we appear to be possessed of a force amounting to 235,000 men, from which, deducting the armies and garrisons of the Peninsula, Sicily, Gibraltar, America, the Cape, the two Indias, and Ireland, amounting to about 134,000, there remains a force unaccounted for (at least, not employed on actual service) of upwards of 100,000, allowing too in the above statement (of 135,000) 50,000 to be actually employed in the Peninsula, 20,000 for the East Indies, and as many for Ireland, both of which are greatly overstated at this amount. Do these 100,000 men really exist? If they do not, why is the country burdened with the enormous expense necessary for the support of such an establishment? If they are forthcoming, why are they not, or a part of them, employed in the Peninsula?

I shall not be told that it is necessary to keep upon our own shores, a disposable force of 121,000 men, after what we have heard of the perfect internal security afforded by the Local Militia and other corps—this security should be something more than nominal, when it appears that the expence to the country of the embodied and Local Militia, and the Volunteer Corps, exceeds anually three millions sterling, while their vast numbers render any other species of troops altogether superfluous for home defence. Does lord Wellington not require reinforcements? Supposing the French armies now hovering on the frontiers of Portugal defeated—nay, according to the sanguine calculation of some gentlemen, destroyed—could this be effected without severe loss on our side?—Can we expect, when we consider the enemy we have to deal with, that lord Wellington with his present British force, aided but by the inexperienced, however patriotic and gallant levies of Portugal and Spain, can continue this contest with any prospect of ultimate success, so long as we only afford scanty and inadequate supplies. In the hour of our success, we calumniate the enemy. Are we ignorant how highly the officers who led the van of the British army applaud the skill and valour of Marshal Ney, and those troops who covered the retreat of Massena? Do we already forget our own severe losses on the Duas Casas, and that still more sanguinary, though glorious conflict of Albuera? In what state have the exertions of the enemy left our armies at this moment for active operations in the Peninsula? Would not a small reinforcement to him at this critical instant compel us hastily to retire to our lines?

I deny, generally, the humble degraded state of the enemy and his loss of military fame, and I do so, not with a view of offending or irritating those who differ from me, but to remove an impression, which if suffered to remain, may be greatly injurious, at a moment when our exertions, instead of being relaxed, should be more vigorous than ever. Between October and the first week in March, lord Wellington did not receive more than 6,000 additional men, though it is evident he felt himself not sufficiently strong in his lines, for in October he recalled from Estremadura, marquis Romana and his corps, who at that moment threatened Seville, having recommenced offensive operations. The absence of this corps from this point enabled Soult and Mortier to combine their operations against Badajos, and may be fairly considered as having greatly accelerated the fall of that place. His lordship has proved to ministers the great value of a reinforcement, even of 5,000 men, for on the arrival of a force to that amount, in March last, he was enabled to undertake the double operations to the Agueda and the Guadiana: he has also avowed, that had he received these men earlier, he would have attempted the relief of Badajos. Ministers may now indeed chaunt the praises of lord Wellington, but it is evident they did not afford him effectual support, at a most important moment, and they may be accused of having even marred his plan. We are told, that we have secured for the allies an additional year. Let us not be too sure of this: but granting it, are we to rest satisfied? Is this the utmost of our expectations? An additional year! Is this the nature of the warfare which we wage? Is it for this additional year only, that, in all the "waste of blind extravagance," we are squandering our treasures, and shedding the best blood of the empire? It has been rumoured, that the Spanish Government at Cadiz does not enter cordially into lord Wellington's views. I know not how true this may be; but of this I am confident, that, however the short-sighted politicians of Britain may consider a mere protracted contest beneficial to these islands, the Spaniards and Portuguese cannot but feel that war, with such an object, must end in their general desolation—and could it but reach them, that even the minister had, in argument, seemed to limit his views only to this—there is surely no inhabitant of the Peninsula who ought not, most anxiously, to desire the speedy removal of the British army.

But the folly of limiting our exertions to mere self defence must be evident. Let us recollect that we are not now at war to restore or protect any particular dynasty—to dictate a constitution to another people—nor to prevent their procuring for themselves that liberty, and those privileges, which we never should have forgotten our ancestors obtained by the sword. Of this we might have been accused in 1793. We have since lived to see Europe in chains, and our own subjugation threatened. It is for this we arm! The moment is then one, not suited to dilatoriness or irresolution. We must have no half measures. Let us then not lose so great an opportunity—let us rally under the impression, so eloquently and forcibly expressed by the right hon. the Chancellor of the Exchequer, that "this enthraldom of Europe is not intended to last for ever—that possibly, in so just and great a cause, we may be pointed out, and intended by Providence, as the humble instruments of deliverance!" But to render ourselves worthy of this high exaltation, we must not slumber on our posts! Why have all our victories hitherto been so unavailing? Because the nation has never put forth its strength. What was the result of the victories of Roleia and Vimiera? The Convention of Cintra. Why? The strength of the enemy. What of the victory of Corunna? Embarkation. What of the victory of Talavera? Retreat, and from apprehension as to the like strength. What of Barrosa? Retreat also! without accomplising the object of the expedition, the British not being in sufficient force. And even now, when we think ourselves so successful, will lord Wellington suffer Massena to continue in Salamanca and Leon, or the other French armies in Andalusia? Supposing them to retire, and unite, has he strength prudently to venture into the heart of Spain, and to clear that country of an enemy, whom we scoff at, as discomfited and disgraced? Are all our rejoicings to end in this, that Massena having attempted that for which he appears not to have had sufficient force, has retired from a bad position in Portugal, to his resources in Spain, until it shall be his convenience, with increased numbers, and at a more favourable season, to return? Our past and present circumstances have been compared; that is, our situation now in the Peninsula, to what it was in 1808. Where are the Spanish armies of that year? Are they not defeated and dispersed? In whose hands are the fortresses then occupied by the Spaniards? Are they not principally in the hands of the enemy? We have reason now to exult, but at what? That the enemy has not hitherto succeeded in expelling us from Portugal! Our success "has this extent, no more!" But from our present rejoicings, one might be disposed to infer, that we had expected annihilation. Why, in 1809, did Buonaparté withdraw himself and his guards from Spain? Was it not to defeat Austria? And did he not gloriously accomplish the object? Why has the war so long lingered in the Peninsula? Because he has had other views. Is he not now prepared to enter into another continental war, and in another quarter of Europe, should circumstances render it necessary? I am sorry to perceive an anxiety in this country for such a war. We seem alike ignorant of the strength and situation of the enemy, and indifferent to the fate of other nations, eager for revenge we cry for blood, reckless of the consequences! It has often been our policy to excite the continent to war; and when the misfortunes of our allies, possibly our neglect, had separated us, we have immediately had recourse to an envenomed illiberal abuse,—proving ourselves no less powerful in enmity, than unserviceable in friendship. How cruelly have not the Russians been aspersed, against whom the pen even of the learned and the wise, has, with little justice and less charity, been directed; whose very virtues, with a shameless ingratitude, have been represented as vices? Having ourselves, in 1807, been mere spectators of the scene, we have since dared to question that merit, which even our common enemy has acknowledged; I say our common enemy, for France is still in heart the enemy of Russia. Should the emperor Alexander be so ill advised as to break with France at this moment, what are likely to be our occupations? If we do not materially change our system, we shall perhaps advance a little further into the Peninsula, still with an inadequate force. We shall subsidize Russia, if she will deign to accept; and provided no hitherto undiscovered rock, or petty island, attracts our notice, we may send to some point of the continent, far distant from the scene of action, and late in the war, a corps unequal to effectual impression, but just sufficient to encourage the deluded people, (naturally discontented with the tyranny under which they exist), to rise in arms; and, having elated them by our presence, abandon them to their fate, after having exhausted their country, and exposed them to the chastisement of an irritated master.

How have you been hitherto waging war against Buonaparté? By exhausting your treasury and discouraging even your own people, by repeated continental failures, you flatter yourselves you are making a great exertion, because incurring an enormous debt, but while, doubtless, you are succeeding in this, do you thereby advance one inch toward limiting the power of France, which, if suffered to acquire strength in the rapid manner it has done, will shake your empire to its very foundation?

But you imagine that you are safe at home—Are you so? You have indeed challenged Buonaparté to your coasts, and with little justice and less modesty, have pronounced him afraid to meet you! You doubt his intentions to invade. Look to his levies of seamen, and his other naval preparations. Hear his threats—But you believe the thing to be impracticable.—Examine his means, and recollect your own history! Have you not heard from the first lord of the Admiralty, that the labours of the enemy to complete his navy are incessant, that he has nearly ready for sea sixty-four sail of the line—that commanding all the naval resources and most of the ports of Europe, it would be "idle to question his capability of rendering himself formidable as a naval power." You have frequently experienced the gallantry of the seamen of Holland, France, and Spain, to whom those of Sweden and Denmark do not yield—those of Genoa and Venice have also had their day; why not again? Greece and her islands have hitherto furnished abundance of seamen to the fleets of Turkey and Russia. All, or the greater part of these countries, are under the absolute control of Buonaparté.

We have been lately more successful than usual on the continent, because we have applied more of our physical strength. The enemy has been less so, from not having been able to direct all his energies to one point, as in his former wars. Our success, then, and the enemy's retreat, prove the truth of my position, which is, not that numbers will, and always have been victorious, but that without a certain strength it is impossible to succeed. Such troops as gained the battles of Talavera, Barrosa, and those of Portugal, cannot be too confidently relied upon, but they should not be devoted in small numbers, where their heroism only can be proved. Buonaparté has hitherto waged successful wars against the corrupt and feeble governments of Europe, who mouldered at his very touch, but he never before was engaged in a contest with a whole people, who have no government to sell or betray them. One district may be held in subjection by the presence of an army, meanwhile the neighbouring province rises. This species of warfare in other times would have exhausted any invading nation. Such a contest, well managed, may yet prove too much even for Buonaparté.

There never was a period in the history of this country when the union of political and military knowledge were so necessary, or might be so advantageously exerted in the councils of the nation, as at the present hour, "this important hour," perhaps "the very crisis of our fate." We have reason to feel somewhat of confidence, which we have not had for some time, not so much owing to what we have ourselves achieved, as in consequence of the serious difficulties in which the enemy has involved himself, but we must not believe those who say he will abandon his views in Spain. Such, under his difficulties, might be the conduct of a Bourbon—a legitimate prince, who might, without risk, retire within his hereditary dominions; but he who has, by his sword, possessed himself of the Empire of the West, and is encircled by those he has despoiled, cannot venture to retrograde—he must prove himself invincible, or relinquish every thing.

We are checked in all our sanguine expectations, by the apprehensions of the cautious, and the financial calculations of the economical, and every suggestion for opposing an effectual resistance to the power of France, is met by a reference to the already-protracted length, the frequent failures, and burthensome nature of the contest. I am aware of this; but I am convinced, that, however unwisely we have hitherto conducted the war, we possess the means to act otherwise—and if it be admitted that we cannot make peace with safety, the war should be carried on with energy, unless we would have the power of Britain crouch to that of France.

It is, then, incumbent on us at length to put forth our strength—if we do not, then indeed will all our former exertions have been rendered wholly unprofitable. I admit our expenditure hitherto to have been immense—in many instances, profligate and useless! What sums have there not been expended since 1793, on coast and insular expeditions, and on some most wild continental ones, many of which have not been enumerated! How many millions in subsidies, some of them most objectionable—in foreign levies—home fortifications, quite unnecessary—barracks, and other whims!—A small part of these sums would have enabled us to have acted as principals, most formidable, too, on the continent. We have been reminded of the war system of our ancestors—that we should adhere to that, and depend on our navy. It is idle to look for precedents in times quite dissimilar to those in which we live. Our ancestors knew no such dangers as those to which we are exposed. I have lamented the division and misapplication of our force, and have expressed a wish for concentrated, formidable attacks—for war with energy, not as we have waged it—war with no partial views, but comprehending the interests of the civilized world—war, as the soldiers of a great empire, not as the pirates of a petty state!

It is evident from a retrospect of our proceedings, since the commencement of the war, that we have never been in sufficient force on the continent, and on reference to the Army Estimates of each year, it appears, that we have not employed in our continental expeditions, any thing like the quantum of force, which the military establishments of the country enabled us to employ—that we have never been at the moment, nor at any point, where supposing success to have attended our arms, we, or our allies, could have essentially benefited; that we have never anticipated, but have always awaited in stupid gaze the coming of events; that we have therefore never prepared before hand; that we have seldom had a fixed plan of our own, but have usually looked to the enemy for our motions; that of such plans as we had devised, and attempted the execution, most of them were conceived in utter ignorance; some accomplished, and others sought to be accomplished, in violation of solemn treaties, and the most sacred principles of the laws of nations! We have lost the finest opportunities! We have exhausted ourselves in a vast variety of insular, and some purely buccanneering expeditions, which have thrown a deceitful colouring of glory on our arms, and which appear to have enriched, while, in fact, they have impoverished the state, and deceived the people with an appearance of security, strength, and prosperity, entirely fictitious. But this is not the moment for complaint, the past is irretrievable—the future is yet our own! I cannot conceal from the House my conviction, that this contest, sustained in the manner in which we are now carrying it on, cannot fail to terminate fatally. At this moment the efficient force under lord Wellington is over-rated at 25,000 men. It is also divided, and opposed by superior French armies—these armies, certain soon to obtain considerable reinforcements.

What are our views? For the moment we are taking up strong positions on the frontiers, where, at immense loss, we have repulsed the enemy, but the intention, the avowed plan, is to fall back to our position, when the enemy shall have strength to advance in force, and to re-occupy our lines in the neighbourhood of Lisbon, which require 70,000 men to defend. But should our losses continue in the proportion that they have been since the opening of this campaign, and our supplies be as slowly and sparingly furnished as they have been since the commencement of the peninsular war, the result cannot be problematical, but failure the most complete inevitable. One cannot hear with patience, after all our boasted facilities and maritime advantages, and the great difficulties under which the enemy carries on his operations in the peninsula, that at this moment, while we possess a numerous useless cavalry, at home, which we could (as it were in a moment) transport to the opposite shores, we are greatly out-numbered even in that arm. One cannot silently hear the merit of such an enemy decried, after his having overcome all these obstacles, and recently performed some of the most difficult and gallant military achievements, such as the retreat from Santarem, the evacuation of Almeida, with the destruction of that fortress and the preservation of its garrison: and the undaunted heroism displayed in the late sanguinary battle, where on the heights of Albuera, the troops of the two most warlike nations of the earth never more distinguished themselves, though victory declared in favour of Britain. The hon. gentleman concluded with moving the following Resolution:

"That an humble Address be presented to his royal highness the Prince Regent, to assure his royal highness of the unfeigned attachment of this House to his person and government, and their undiminished confidence in his wisdom, vigour and perseverance; the display and exercise of which qualities in the administration of the affairs of this empire can alone, under the blessing of Providence, bring the arduous contest in which they are engaged, to an happy and glorious termination.

"That, called upon as this House has been, to impose many and grievous burdens on a loyal, patient, and affectionate people, they should, nevertheless, fail in their duty towards themselves, his royal highness, and their country, if they did not declare their firm conviction, that it is by additional sacrifices alone, and superadded vigour, they can ever hope to bring this war to a safe and honourable conclusion, a war, unexampled in its extent and duration, in which they contend not for glory, empire, and dominion, but for existence.

"If their efforts have been great, they must be still greater; if their sacrifices have been many, they must be still more numerous. They cannot but recollect, that they arm for the independence of man against embattled Europe, awed by the assumed authority, and subdued by the power of one relentless mind, whose policy, whose ambition, whose hope, is the destruction of this country, and all its proud establishments.

"That, anxious as they are to obtain a durable, a safe, and honourable peace, they can see no means of obtaining this inestimable good, but in the vigorous prosecution of the war, in a strict economy of all the remaining resources, in an indissoluble union, by one common interest, of every class of his Majesty's subjects, and in military efforts proportionate to the danger, and limited alone by the extent and powers of exertion, which are to be found in this empire.

"That, in common with all his Majesty's faithful subjects, they have to lament former failures, and to rejoice at present successes.

"That, in this protracted warfare, much has occurred to instruct ignorance, and chastise presumption, and a great deal to inspire hope, and future confidence. That if something has been done, much remains to be performed, which can never be accomplished without the most stedfast regard and attention to those fixed and immutable military principles, without which exertion must be useless, and courage itself unavailing."

The *Chancellor of the Exchequer* said, it was not his intention to take up much of the time of the House. He assured the hon. gent. that in what he had formerly stated respecting the views entertained by his Majesty's government, he had never designed to undervalue the force and the power of the enemy. It had never been in his contemplation to represent the French army as degraded, but upon comparing it in the state to which it was reduced by recent events, with that degree of estimation in which it was before held by its successes, over the powers of Europe, he had meant to say, that its glory and its terrors were diminished. It was lowered in character from that unnatural height which it had previously attained, and was clearly proved to have no claim to the title of invincible. With respect to a system of protracted warfare, he certainly did consider that the maintainance of the contest on the Peninsula, even for another year, would afford a chance which it would be consonant to every sound view of practical policy to adopt. He had never, however, confined himself to the belief that another year was the necessary limit to our exertions in that quarter, and had never intended to urge more than that, if there was any where a peculiar opportunity, and a more favourable prospect than another of resisting the enemy, it was to be found in Spain and Portugal. It was there he conceived it to be the paramount interest of the country to maintain the struggle. With respect to what had been said of the want of feeling displayed by fermenting and keeping alive the war in the Peninsula, in his opinion, no calamity that might be inflicted on that part of the Continent by a protracted warfare, could be equal to the evil of French dominion. Thus much he deemed it necessary to say in explanation of his sentiments formerly expressed. In answer to that part of the hon. gentleman's speech in which he talked of lord Wellington's not having been sufficiently reinforced, and of his exertions having been starved, he had it in his power to say, that lord Wellington himself held no such opinion. He would, however, rather see this sentiment prevail in the public mind than the contrary one, that the blood and treasure of the country had been wantonly and extravagantly squandered. The reinforcements sent to lord Wellington arrived sufficiently early to enable him to prosecute all his designs. As to the general and speculative views taken by the hon. gent., it was easy in the closet to project schemes for the sending 50 or 100,000 men abroad, but the moving and the maintenance of such a body were difficulties not easy to be surmounted in practice; neither was the real military strength of a state to be fairly judged by its numerical amount. What had been already done by ministers was, in his judgment, enough to procure them credit for a disposition to make every practicable exertion consistent with the object of preventing the country from exhausting itself so as to leave it incapable of maintaining for any length of time the contest on which its best interests depended. However he might concur in the spirit with which the hon. gent. had regarded the general objects of our foreign policy, he did not think the House would be well advised if they were to adopt the Address of the hon. gent., or endeavour to stimulate government beyond that temperate and cautious, but firm and energetic system of exertion on which they had hitherto acted, for which reason he must oppose the motion.

Mr. *Hutchinson* in reply stated, that he did not propose this motion for the purpose of calling forth any explanation from ministers of their plan of proceeding, but merely to point out, that they were pursuing a plan in the Peninsula, that would tend to the ruin of this country. He felt it therefore his duty to protest against the manner they were carrying on that contest, without comparing the present ministers to former ministers, or giving any offence to the right hon. gent. and his colleagues. He was still convinced that our victories would lead to nothing, however much he united in sentiments that had been stated that night in favour of lord Wellington, who, whether he had been so successful or not, was fully entitled to the confidence of the country. If they suffered the French to collect a force, and not speedily meet them now, all the talents of lord Wellington, and the bravery of British troops, might be in vain called forth to prevent us being driven out of the Peninsula.

The motion was then put and negatived without a division.

Regency—King's Illness.] Mr. *Whitbread,* on rising, declared, that if he thought there was any prospect of obtaining a fuller attendance at this period of the session, for the consideration of the motion of which had given notice, he would cheerfully consent to delay it. But when no such expectation was likely to be realized, it was not from any desire to interfere with the recent regulations of the House, that he must persevere in bringing the subject immediately under discussion. It would be recollected that he had enquired of the right hon. the Chancellor of the Exchequer early in the session whether it was his intention to introduce any clause into the Regency Bill for the purpose of making a provision in the eventual recurrence of his Majesty's disorder. On learning that he had no such intention he had then declared, that before the conclusion of the session he would call the attention of the House to the state of the kingdom in reference to this subject. It was indeed a subject, in his estimation, of primary importance. After his Majesty's numerous and protracted indispositions; after instances of the royal illness having been concealed from the nation, and after looking back, at the same time, to those periods of our history, when the incapacity of the sovereign had led to intestine discord and commotions, he did think it was the duty of ministers to have proposed some measure which might guard our future history from the recurrence of similar disasters. He did think that it was their duty to have fixed a precedent, by referring to which that agitation of the public mind, and those feelings of party animosity which were always excited on these unfortunate occasions, might be in future avoided. In contemplating the situation of the country, and reflecting on what that situation might be in a particular case, which although not probable, might still, in the course of human events, take place, he meant the death of the prince of Wales, the immediate heiress would be a minor, and the next heir, his royal highness the Commander in Chief, would be at the head of the army. (Hear!) He had no doubt whatever, and he was sure no person would suspect him of entertaining a doubt of the loyalty and allegiance of that illustrious person to those who were in precedence to himself in the order of succession to the throne. But he was persuaded, if similar circumstances had existed at any other period—if a female minor had succeeded to the crown, while the military power of the kingdom was under the controul of the presumptive heir—it would be incredible that parliament should be prorogued without adverting to such a situation of the kingdom, unless indeed the existence of a war of unexampled difficulty might create a belief that parliament had been so busily occupied as naturally to overlook this momentous consideration. In referring to those periods in which the sceptre of these kingdoms had been swayed by princesses, it was impossible not to augur well of what might hereafter happen; and in the contemplation of a female reign, pregnant as his mind was with grateful recollections of the past, and fond anticipations of the future, he could not but think that if he lived at a different time, we should find it difficult to believe that any ministers should be so negligent of their duty, so forgetful of the interests and tranquillity of the country, as to propose no legislative measure, to take no precautionary step in such a state of things, so fertile with danger and alarm. The right hon. gent. in answer to his question, had urged the difficulty of devising a remedy, and had stated that none had ever before been adopted. This, then, was his apology for the continuance of that evil—this his argument from past errors in justification of present negligence. Thus much for the general consideration; and he conceived that he had sketched a picture sufficiently interesting to induce the House to take it into attentive consideration. He would now beg leave to ask, what was the state of the country with respect to the King himself? At the opening of the session they were told that his Majesty's indisposition would not probably last a fortnight; another fortnight was then talked of; and then week after week elapsed, and still it was said that the Regency Bill would never pass into a law. The Bill, however, at length passed, and then the public anxiety was met by the bulletins of the physicians, so delusive and enigmatical, that, at last, folly itself could no longer place any confidence in them. Continually representing his Majesty to be advancing towards recovery, they still left him at a distance from the goal. What inference was it possible for the public to draw from these uncertain and contradictory declarations? Rumour, however, had lately mentioned differences among the physicians, and not only among the physicians, but among the Queen's council, some of the members of which it represented to have been of opinion that his Majesty was competent to the resumption of his authority. So much for rumour, which if not contradicted, he thought did furnish a sufficient ground to induce the House to take some step on this subject before the prorogation. The public was lately informed that his Majesty had had a fresh accession of his disorder, but that it was not on the increase. What did this mean? What could the country understand from this declaration? Were they to believe that the disorder was less or more than on the 25th of October last? Supposing his Majesty to resume, and soon after to suffer a relapse, before the parliament should again assemble, the Regency Bill would be extinct, and every thing must be then repeated, and the old set of difficulties would again occur. Was this a state, he would ask, in which it was the duty of parliament to leave the country! So strongly had this consideration impressed itself on his mind, that he had determined to call the attention of the House to it, and would therefore move, That on Thursday next it should resolve itself into a Committee of the whole House, to consider the state of the Nation.

The *Chancellor of the Exchequer* had no hesitation in saying, that if the honourable gentleman meant to propose permanent means for supplying any occasional incapacity in the executive in future, nothing was more inexpedient, nothing more improper. If any period was proper for this, it was not surely that in which the crown was incapacitated. He would, indeed, go farther, and say, that it was improper, prospectively, at any time to lay down rules for every future recurrence, and that it was better that parliament should leave the consideration of the question to the government, that it might establish a remedy itself. The farthest that he should be inclined to go, would be a provision for parliament to meet within a given time after the recurrence. This, in his opinion, was the utmost extent to which it was proper to go. But if it was thought that the provisions to be adopted, might vary infinitely according to the existing circumstances, it would be vain to think of anticipating all those circumstances so as prospectively to establish a government fitted to each particular case. He thought that the country had had enough of experience already, and that whatever regulation future circumstances might make it necessary to adopt, might be effected with very slight variations from the plans already acted upon. All the details, however, could not be foreseen. With this view of the subject he should think that parliament could not entertain the present motion. If any such regulations as regarded the future, and intended to be permanent, were even to be made, surely it was not a time when the crown was incapacitated that they were to be made. It was necessary to have the superintendance of the crown to watch over its own interests.—The House would expect that he should take some notice of the report mentioned by the hon. gent. relative to the division of opinions in her Majesty's council on the subject of his Majesty's recovery. He did not know that such divicions had never occurred. They might have happened. But he had never heard that any member of the council had ever thought his Majesty in a situation to resume the government. Upon that subject, however, he must say, that he had not the means of stating precisely the opinions of the members of the council on the subject, except in so far as they had been stated in conversation from time to time; but he could say he had never been able to learn from them that any diversity of opinion had ever prevailed on this subject. No doubt some of them might entertain more sanguine expectations than others of his Majesty's speedy recovery; but that any one held that that complete recovery had arrived, he had never yet heard.—But to return to the subject before them: if parliament was required to meet within a certain time after the recurrence, that provision was a sufficient security. The hon. gent. had said, that parliament possessed no security against their being prorogued. Undoubtedly they did not possess any. He thought it rather extravagant, however, to suppose that any one should presume to intercept the royal authority before the meeting of parliament. If parliament were to meet, then, no doubt, different opinions might be entertained as to the length of its duration. He had been supposed a minister possessed of a degree of hardihood which no minister before him ever possessed: but this interception was supposing a degree of hardihood which no minister would presume to take upon him.—With respect to the supposed difficulties which would arise from the want of this permanent provision, as the former discussions had ripened into an act of parliament, there might be some difficulty as to the period when it might be necessary to act, whether it should be sooner or later; but he thought there could be little difference of opinion, in future, as to the manner of proceeding. He thought, therefore, that any further provision than that of securing the meeting of parliament within a given time after the recurrence, was superfluous and improper. With respect to the question respecting the possibility of the crown falling into the hands of an infant, if there was no person between that infant and the present sovereign, it would be wise to do what had been already done in similar cases; but in former times the crown had itself superintended the making of such provisions. So long, therefore, as two lives were between that infant and the throne, he thought it would be improper to call for the consideration of this question.

Mr. *Bathurst* observed, that the assembling of parliament, in the event of the recurrence of his Majesty's indisposition, was provided for by the existing act. On that ground, and on that ground alone, it appeared to him not necessary at the present moment to take any steps on the subject. At the same time he was of opinion, that on a future occasion means should be taken to secure the assembling of parliament as soon as possible after such an event. It was quite impossible, however, that parliament should lay down before-hand, all which it might be proper to do under every variety of circumstances.

Mr. *Canning* did not conceive it possible that parliament should now enact, that parliament should not be at any time prorogued. This was one of the functions of ministers for which they were responsible, and for all abuses of this sort, ministers were particularly responsible. But to enact now that on any occasion, parliament should not be prorogued at the pleasure of the crown, was to change one of the fundamental principles of the constitution—it was enacting a principle which might be carried hereafter, as it had been formerly carried, to a most dangerous extent. When a case occurred, or on the case of recovery, parliament assembled, would provide for the recurrence. His right hon. friend had thought it enough to provide means at present for the re-assembling of parliament; but he wished to add, that in his opinion, parliament ought to provide; what had hitherto been anomalous ought to be regular in future, and the settled course of the constitution. He thought, however, that the difference which existed as to the mode of supplying the deficiency of the executive power, should be submitted to them at a time when the executive government was in full force—when the consideration of the question could not involve the nation in anarchy or confusion—when it could be considered with perfect coolness, and not with the heat of party—and when it could be considered as an abstract question, compared with the principles of the constitution, and with the recent practice. They should then provide that parliament should meet within the shortest time after the recurrence, and should lose no time, as formerly. The mode was of little importance compared with the ascertaining of that mode. The discussion which took place about the time when parliament should meet, and the mode of proceeding, occupied the greatest part of the time of parliament formerly. If this was settled, all that would in future be necessary to do would be soon accomplished. He thought it was impossible to take a view beforehand of all possible cases. The hon. gentleman had put the case of a minor with the duke of York at the head of the army. It would be quite madness in the House of Commons to say that in the case of a minor the duke of York should have no power in the regency. It was possible to discuss a case in which all hurry might be against you, and yet all prudence with you. This question not only involved all the principles of our government, but our temporary policy. Again, he was not prepared to say, that in case of the discussion anew of the question of regency on a relapse, that precisely the same restrictions should be enacted, and yet if the House were to go into a Committee that question could not be avoided, so that they would have to fight all the battles of this year over again, and to fight them over again hypothetically. They had already smarted under the late nights and long debates on this subject. In the legislature parliament could not regularly take cognizance of the feelings of the sovereign; the crown was supposed to be impassive and unfeeling; but in the present case, they had the recorded feelings of the Prince Regent on this subject; and the consequence of their present deliberations would be either unnecessarily to wound the feelings of his royal highness, or to come to a Resolution directly the contrary of what they had adopted in the very same session. The only case that could justify their interference in this respect, would be, that his Majesty might recover, and that, during that recovery, the duration would be so short as not to admit of reconsidering the question.

Mr. *Whitbread*, in reply, thought the declaration of ministers the most miserable farce ever played off to the country, when not sanctioned by an act of parliament. He thought the right hon. gentleman perfectly capable of proroguing instantly, if he should think proper. It had been said that there would then exist justifiable grounds for arraigning his conduct, but he had always found, whatever justifiable grounds there might be for arraigning the conduct of ministers, these grounds never appeared to them justifiable. He had found them even voting on such arraigning of their conduct, in favour of themselves, and to hoist their own flags when conscious that if their own votes were withdrawn they would obtain a very small majority. A recent case had shewn him what a distinction men were apt to make between their own case and the case of others. A colonel of militia lately in this House was in a minority of one, voting for an investigation into his own conduct, and this mode of proceeding was received with acclamation by those persons who had themselves behaved so very differently. What security had the country in the responsibility of ministers? They might be arraigned and arraigned, but they would always vote that there were no grounds for arraignment, and so put an end to the proceedings. With respect to the King's feelings, he could not conceive how a mind approaching to convalescence could be affected with knowing that in case of any accident parliament should immediately meet. He thought the present time peculiarly favourable to the consideration of this subject, when men's minds were alive to it. With respect to the divisions in the council, he had certainly had no private confidential communication on the subject; but he had obtained the information in a way that he could not disbelieve it, especially as he had heard the names and numbers of the division, and he must therefore believe it to be true. Although the right hon. gentleman was dumb as to the subject of his Majesty's health, and dumb as to the reports of the physicians—at least if he said any thing it escaped him—he did not mean to say that recovery was impossible. Undoubtedly little expectation of that recovery could now be entertained by any rational man who was not sanguine from interest. Supposing, however, his Majesty should recover on the 24th of July, and have a relapse on the 24th of August, there was no provision in the act of parliament relative to that recovery and relapse; and although in the hands of the present ministers there was no danger, in the hands of future ministers much mischief might happen. One of the objects to be inquired into in the Committee would be the grounds on which the physicians' opinions were founded; for the country was informed by the council, on the authority of the physicians, that his Majesty had made a material progress in his recovery; till at last, from progress to progress, he was at last cast a great way back. If they were not a nation of fools, the physicians ought to be obliged to state the grounds for their opinion.

Mr. *Pole Carew* supported the motion.

The House then divided—

For the motion 22

Against it 94

Majority against the motion...—72

PETITION OF THE ROYAL CANAL COMPANY IN IRELAND FOR RELIEF.] Mr. *Wellesley Pole* rose to call the attention of the House to the Petition of the Royal Canal Company in Ireland. [See p. 278.] He said he thought it necessary to make the House acquainted with their affairs, and accordingly entered into a history of their proceedings since its establishment in 1789. From the advantages likely to be derived from the plan, he had on a former application been in favour of assisting them in the prosecution of their design with a grant of 70,000*l.* This sum, however, was not advanced, in consequence of the representations made by the "Grand Canal Company." It was not till their last application that the Irish government had an opportunity of knowing the state of their affairs. On that occasion, the answer given by the lord lieutenant was, that no relief could be afforded, till the circumstances of the concern, from beginning to end, were laid before the Directors-general, that they might form an opinion on the subject. On this, the whole underwent an investigation by that Board, in consequence of which, the Petition came to the House, which he now wished to have referred to a Select Committee. It appeared that the Company had been allowed by their charter to create a stock, to the amount of 300,000*l.* to raise loans to the amount of what they expended of their capital, but not to raise by loan a sum exceeding such expenditure, and they were prohibited making a dividend but on their clear profits. The sum expended of their capital did not at most exceed 172,000*l.* but they had borrowed 842,000*l.* Their income was 15,000*l.* annually, and their yearly expences were 11,000*l.* Thus it would be seen the annual surplus of their revenue was 4,000*l.* and as the interest of their debt made an annual charge of 49,000*l.* the returns of the undertaking were 45,000*l.* worse than nothing. The debentures, of the loan borrowed of the benchers, which were 100*l.* were now selling in the market at 92*l.* each, and if the undertaking were carried to the extent proposed, those most sanguine did not think that in 18 years, and after expending 300,000*l.* the returns would exceed 30,000*l.* annually, in addition to the present revenue. His principal reason for wishing the subject referred to a Committee was, that the failure of the undertaking would greatly distress many of the share holders, who were for the greater part widows, or persons in low circumstances. He concluded by moving, "That the Petition of the Royal Canal Company of Ireland, together with the Report of the Director-general on the subject to the Lord Lieutenant of Ireland, be referred to the consideration of a Committee to be appointed to examine the same, and report their observations thereon to the House."

The motion was agreed to.

HOUSE OF COMMONS.

Saturday, June 8.

State of the King's Health.] Immediately after the Speaker had taken the chair,

The *Master of the Rolls* rose, and observed, that he regretted much he had not been in the House last night, when, he was given to understand, an hon. member (Mr. Whitbread) had stated that there was a division in the Queen's Council with regard to the state of his Majesty's health; some of the members being of opinion that he was in a state to resume the royal functions, others that he was not. As he, the Master of the Rolls, had never conceived it possible that such a report could be in circulation, knowing that it had no existence in fact, he could not suppose it likely, that it could find its way into the hon. member's speech, otherwise he should have felt it his duty to be in his place, to give the statement of the hon. member an absolute contradiction. He had only now to declare, that no division in the Queen's Council had ever taken place, either on the supposed question of difference alluded to by the hon. gentleman, or on any other whatever.

HOUSE OF COMMONS.

Monday, June 10.

Petition of Mr. Greathead respecting his Life Boat.] A Petition of Henry Greathead, of South Shields in the county of Durham, Boat Builder, was presented, and read; setting forth, "That, in the year 1789, the Petitioner built at South Shields a boat upon a new construction, for the purpose of saving seamen from shipwreck, and affording assistance to ships in distress in making the harbour, which boat being found by experience to have attained those important objects, obtained by general consent the name of the Life Boat; and that the Petitioner, not having secured to himself any pecuniary advantage by the exclusive right of making and vending such boats, the House, after a minute examination of evidence as to the utility of the Life Boat, the originality of the invention claimed by the Petitioner, and the remuneration he had received, did, on the 9th day of June 1802, resolve that a sum, not exceeding 1,200*l.*, be granted to his Majesty, to be paid to the Petitioner, as a reward for his invention of the Life Boat, whereby many lives had already been saved, and great security was afforded to seamen and property in cases of shipwreck, for which distinguished reward the Petitioner will ever entertain a deep sense of gratitude; and that the great utility of the Life Boat has been confirmed and established by continued experience since the year 1802, many lives and frequently ships having in each succeeding year been saved from destruction by means of the Life Boats at South Shields and most of the places where they have been stationed; and that, since the year 1802, the Petitioner has built boats for the following places, viz. Guernsey, Newhaven, Plymouth, Arbroath, Pillan, Exmouth, Constradt, Rye, Penzance, Whitehaven, Stettin, Riga, Dantzic, Cromer, Leith, Bridlington, Charleston in America, Frazenburgh, Gottenburgh, San Lucar in Spain, Montrose, Dunbar, Blyth, Spurn, and Heligoland; and also, by the directions of the Lords Commissioners of the Admiralty, five other Boats of a smaller construction; and that the fees and expences attendant upon the proceedings in parliament during the investigation abovementioned, together with the charges and deductions to which the receipt of the money was subject, reduced the said sum of 1,200*l.* voted to the Petitioner to the net sum of 850*l.* or thereabouts; and that, from the situation of affairs in Europe, whereby the commercial intercourse with the continent became greatly interrupted, the Petitioner has been prevented from executing orders which he received from the continent for building several Life Boats, and for which he had provided the necessary materials, that he has since been obliged to convert to other purposes, at a great loss; and that the Petitioner, having for upwards of twenty years almost exclusively employed his time and attention towards improving the construction and promoting and facilitating the use of the Life Boat, his former trade or business of a boat builder was necessarily sacrificed in the ardent pursuit of these objects, and the building of Life Boats having now, for some time past, been almost suspended, the Petitioner finds himself deprived of any adequate means of support; and that the remuneration which the Petitioner has received from the public, and the profits which he has received from the building of Life Boats, after deducting his necessary expences, and making a reasonable allowance for the loss of his trade, have not, according to the best computation which the Petitioner is able to make, hitherto yielded to the Petitioner any clear profit or emolument, or if any, only of very inconsiderable value or amount; and praying, that the House will be pleased, in consideration of the premises, to grant some further remuneration to the Petitioner."

Ordered to lie upon the table.

HOUSE OF LORDS.

Tuesday, June 11.

DISTILLERIES.] Earl *Bathurst* moved the second reading of the Irish Duties and Drawbacks Bill.

The Earl of *Lauderdale* expressed his astonishment that the noble earl had not given some explanation on the subject of this Bill, containing, as it did, a clause ruinous to the Distilleries of this country.

Earl *Bathurst* contended, that the noble earl's objection only applying to a particular clause, the time for discussing it was in the Committee, and that to the principle of the Bill there could be no objection, its object being the annual continuation of the Irish Duties, which would expire on the 5th of July.

The Earl of *Lauderdale* recurred to what he had stated on a former day, on the clause relative to the Drawback on Spirits exported from Ireland to Great Britain, and observed that by the operation of this clause, the Irish distiller would be actually enabled to land his spirits in London at an expence amounting to 10*d.* less per gallon than the prime cost of a gallon of spirits manufactured here. It was evident, therefore, that the distillers in Great Britain would be thus rendered wholly unable to sell their spirits, and must suspend the working of their distilleries. He was aware that government, conscious of the evil which would thus be inflicted, had prepared another Bill, which was now in the House of Commons, and the object of which was to suspend the drawbacks in England and Scotland until the next session; but this also would be a great evil, as the Distillers, particularly in Scotland, had not capital enough to go on under such circumstances. His object, therefore, was to postpone the second reading of this Bill, until the other came up from the Commons, that they might have both Bills before them; and with that view moved to postpone the second reading till this day se'nnight.

Earl *Bathurst* observed, that if the clause now objected to was not agreed to, the Irish Distiller would, as the law now stood, be entitled to a greater drawback than he would under this clause, and the evil complained of would of course be the greater. He thought the proper time for discussing the remedy for the evil would be when the other Bill came up from the Commons, and therefore objected to delaying the progress of the present Bill.

The Earl of *Rosslyn* strenuously recommended the propriety of adjourning the second reading, till they could have the whole of this measure before them.

The Earl of *Liverpool* considered all the objections suggested as applicable to the provisions, and not to the principle of the Bill, and therefore they afforded no reason why they should postpone the second reading.

After a few words from Earls Spencer and Lauderdale, in favour of the postponement, the question was put, that the Bill be "now" read, and the House divided—Contents, 22, Proxies 32;—54. Not Contents 21, Proxies 20;—41. Majority 13. The Bill was then read the second time, and ordered to be committed on Thursday.

HOUSE OF COMMONS.

Tuesday, June 11.

Perth Road and Bridge Bill.] Sir P. Murray moved the third reading of the above Bill.

Mr. *Abercromby* opposed the motion, on the ground that two of the Standing Orders of the House, as they respected this Bill, had not been complied with. One of these directed, that, when a Bill of this description was brought in, it should be accompanied with a list of subscriptions to effect the object, and estimates of the expences; the second directed, that all those whose estates were likely to be affected by the Bill should be supplied with maps, pointing out any probable alteration. The Bill was intended to repeal several Turnpike acts then in force in Perthshire, and to give to a number of new trustees the control of the old trusts. It would also authorise the forming no less than 15 new lines of road, where at present no turnpike existed, and would also grant liberty to erect eight new bridges. It had been asserted, that there was no necessity to produce plans and estimates, as they were only proceeding on the foundation of the old trust, and herefore the Standing Orders did not apply. But, he submitted to the House, whether plans, estimates, and subscripions, were not particularly desirable, when he extensive powers contained in the Bill o form new lines of road, and new bridges, were considered. The House, he thought, ought to give some opinion as to the necessity, in such a case, of complying with the Standing Orders.

Sir *P. Murray* was sorry that such an objection should be brought forward in hat stage of the business. The Bill was anctioned, after the most mature consideration, by the great body of the inhabitants of Perthshire, one of the most popular counties in Scotland. The very persons who now petitioned against certain parts of the Bill had formerly declared heir assent; nor were their estates likely o be at all injured by the Bill, which, in act, would be a great public benefit. There had been no intention whatever to vade the Standing Orders of the House: f that charge could be substantiated, it would be sufficient, of itself, to defeat the Bill. In fact, no such intention was enertained, but it was conceived that plans and estimates were not necessary, when here were an existing trust, and existing oads. However, an engineer had been employed to form estimates and plans of the new roads. They were now ready, and, he hoped, would prove satisfactory, though not produced exactly at the period prescribed by the Standing Order.

General *Tarleton* contended, that the Standing Orders had not been complied with. He denied that the great body of landholders, in the county of Perth, were in favour of the Bill. The earl of Breadalbane and Mr. Burrell, who, he believed, owned two of the largest estates in the county, were hostile to it.

Sir *John Anstruther* said, it was admitted that many of the inhabitants of Perthshire contemplated the measure as one of great importance. The terms in which the Standing Order was couched, being in some degree ambiguous, a variety of constructions had at different times been put on it, and the parties having now procured plans and estimates, which were then *de facto* before them, he hoped the House would not stop the further proceeding with the Bill.

Mr. *D. Giddy* expressed a wish to have the Speaker's opinion on the subject.

The *Speaker* observed, that the objections against the Bill were twofold; first, as it went to alter a turnpike, without estimates, &c. being produced, which, if noticed at an earlier period, would have been fatal; and, 2dly, that it gave a right of forming 15 new lines of road, and altering and varying them. With respect to the first point, as it appeared evidently to have originated in mistake, as the plans and estimates had been ultimately produced, and as the objection was made at so late a period, perhaps the House would not think that sufficient to prevent the third reading. But the great point for the consideration of the House was, whether they would agree to the passing of a Bill, granting leave to open 15 new lines of road, without the parties interested being apprised of their intended course. For this the Standing Order of 1807 expressly provided, as it directed that the parties concerned should be informed, by a map, of the direction of any intended road. If the Bill were agreed to, it would give to the parties, for 21 years, a right of infringing on the estates of many persons in Perthshire, without affording them the necessary information.

Sir *P. Murray* observed, that the powers of alteration were similar to those contained in every Turnpike Bill, and extended only 300 yards from the level road. The turnpike road act, at present existing in Perth shire, would expire on the last day of this session; and if the present measure were not agreed to, much inconvenience would be the result.

The *Speaker* said, that perhaps the inroad of 300 yards made on a gentleman's estate, might include that very part of it which he prized most. The old act could not be renewed for a year, which would enable the parties to bring forward a proper Bill.

Mr. *Adam* thought the most advisable way would be to adjourn the debate till Thursday next. In the interim, the objectionable parts of the Bill could be expunged, and those which were not opposed, might be suffered to remain.

After a few words from Mr. Huskission, Mr. Abercromby, and sir John Anstruther, the debate was adjourned, on the suggestion of the Speaker, until to-morrow, to give the parties time to confer together.

Parliamentary Reform—Kent Petition.] Mr. *Whitbread* said, he understood the right honourable the Master of the Rolls had, during his absence from the House, on Saturday, contradicted a report which he had noticed in his speech on the preceding evening. Perhaps he ought to apologise for having brought forward the question, which was agitated on that evening, during the absence of his honour; but, as he was present in the early part of the afternoon, and as it was generally understood that the question would come on, he trusted he would be absolved from any blame in that respect. He was not aware of the extent of the contradiction; if it went to deny the existence of any difference of opinion in her Majesty's council, he should be extremely glad to hear it, as it was of very great importance to the public. He would not trouble the House with any further observations on this subject, but would beg leave to present a Petition from the inhabitants of the county of Kent, on the question of Parliamentary Reform. (A laugh.)

The *Chancellor of the Exchequer* expressed some surprise at the two very dissimilar subjects, which the hon. gent. had in some degree blended together. With respect to the observation he had made, as to the contradiction given by his learned friend, he could, from his recollection of the circumstance, say, that that contradiction was as full and complete as it possibly could be—not only with respect to a division of voices, on a particular fact, that of his Majesty's resumption of the royal functions, but in relation to any division on any subject whatever. Points undoubtedly might have been discussed, but no dissention had prevailed.

Mr. *Whitbread* said, he was pleased to hear that there was no foundation for the report which had reached him, under such circumstances as induced him to give it a degree of credit.

The Petition, purporting to be a Petition of the inhabitants of the county of Kent, in full county meeting assembled, was then presented and read; setting forth,

"That the Petitioners, conscious of the rights they possess of addressing and petitioning the House upon all public affairs, and impelled by a high sense of the duty they owe to themselves and to their country, beg leave to lay before the House their opinions and sentiments on the present defective state of the Representation of the People; that to the wisdom and justice of the original design of convening in parliament the representatives of the people to deliberate and co-operate with the sovereign and the peers upon every question of national concern, the Petitioners give their unqualified approbation; but, when they take into their consideration the decay of some boroughs, once prosperous and well peopled, the rise and flourishing condition of others formerly of little note; when they reflect upon the effects of the heavy and insupportable expence of elections, which closes the doors of the House to many of the best friends of their country, and robs it of their faithful service; when the Petitioners think of these things, they are of opinion that the House is at this time by no means a fair representation of the people; and, from the manner in which a large portion of the individual members obtain and secure their seats in the House, they cannot but infer that that high and sacred office, intended for the public service, is frequently sought for and procured by unconstitutional means, and is too often perverted from its original design, and rendered subservient to private ends; to this cause the Petitioners ascribe the greatest part of the national calamities they now have to deplore, the mean principles and narrow views which have too long governed the councils of the cabinet, the false ambition and little intrigues of its members, the continuance of a system of expenditure lavish beyond example, the many disgraceful expeditions in which the blood and treasure of the country have been too prodigally wasted, the decisions of the House in direct opposition to the general sentiments of the nation, the unwillingness hitherto evinced by the House to promote enquiry into or correct the abuses in the representation, an unwillingness which cannot fail to excite their distrust, and to diminish the respect the Petitioners owe to the name and functions of the House, and they deplore particularly one instance of this unwillingness of which they complain, in the rejection of a motion made in the last session of parliament by one of the members of the county of Herts, as that motion, had it been adopted, must necessarily have brought before a Committee a full enquiry into the present defective state of the representation of the people, and thereby have led to a substantial reform in the Commons House of Parliament, so essential to the salvation of the state, by restoring the blessings of a free constitution, that inestimable inheritance transmitted to us by the wisdom and intrepidity of our ancestors; and that the times demand this open avowal of the sentiments of the Petitioners, and, in the language employed to convey them, they intend no disrespect, though they are persuaded that no words can be too strong to express their feelings on this occasion; therefore they most earnestly intreat the House to undertake, before it is too late, in a true and cordial spirit, the measure of Reform, upon principles which, by conciliating the affections of the people, and restoring to the House its due weight and character, may rescue the country from domestic discord, and secure it from the foreign foe, give stability to the throne, and perpetuate the constitution."

Mr. *Whitbread* moved that the Petition do lie on the table, and stated, that he heartily concurred in the object of the prayer, and that his opinion was as strong as it had ever been, confirmed, not weakened by reflection and experience, that there was no chance of salvation to the political interests of the country, except through a Reform in Parliament.

Sir *E. Knatchbull* did not mean to oppose the petition being received, although he had some doubts in his own mind as to the legality of the meeting at which it had been agreed to. The high sheriff had convened a meeting of the inhabitants of Kent only—by which means a number of persons who were freeholders, though not inhabitants, were prevented from attending at Maidstone, where the meeting was held. Therefore, he conceived, that this petition did not speak the sense of the great body of Kentish freeholders. He certainly had been at that meeting—but his hon. colleague (Mr. Honywood) was debarred, by illness, from attending. His son, however, had, on behalf of his father, expressed his willingness to present the Petition. He need not state, particularly, what had occurred at that meeting, as the newspapers gave a full and accurate account. He again observed, that although he did not mean to object to the Petition, still he denied that it contained the sentiments of the majority of the Kentish freeholders.

Mr. *Calcraft* observed, that the meeting was one of the inhabitants, not the freeholders exclusively of the county of Kent; and on this account he had himself felt some scruple at attending, in consequence of his not being a resident in the county. He had read the report of the proceedings, and in it he conceived there were some excellent speeches in favour of reform, and others, as he conceived, not so excellent, against it. In looking at the signatures to the Petition, he saw also the names of many, to his own knowledge, most respectable persons, and was satisfied that the prevailing sentiment in the county accorded with his own, that a reform was essential to the best interests of the country.

Mr. *Brand* declared himself happy to see this Petition presented to the House, because it sought for a constitutional object in a constitutional manner, and was drawn up in the most proper and decorous language. These were the true means of recovering for the people their undoubted rights. Much difference of opinion had unquestionably prevailed among those who were the most anxious for the accomplishment of this great end; but he could say, that any difference which might have occurred between himself and others on this subject arose from his having modelled his ideas by the standard of the constitution, rather than by any theoretical doctrines of original or primitive rights. If, however, the sense of the counties and the opinions of the inhabitants of the kingdom at large, was not so decisive and unequivocal as he believed it to be in favour of parliamentary reform, still he conceived it to be the bounden duty of the House, when a great evil was pointed out, the existence of which was not to be disputed, the existence of which was not to be disputed, to take measures for its removal. It was their duty, whether petitioned or not by the people, to do what was no less necessary to their own honour than the people's rights. He was filled with a conviction that a reform was indispensible, and that the future prosperity of the empire was deeply involved in its adoption. He had risen, however, principally for the purpose of mentioning the circumstances that had induced him to decline pressing the motion of which he had given notice, this session already approaching to a close. He was aware that it was often and justly said, that the duty of a member of parliament was paramount to every other; but a duty he conceived likewise to be of a very imperious nature, had compelled him to be recently absent for a considerable time. At a period when, by the military regulations and institutions of parliament (and he begged to be understood as not censuring them), the whole population of the country must in twelve years pass under military law, it appeared to be incumbent on all country gentlemen to direct their attention to this subject, so far as it lay within the sphere of their influence. This it was which had lately called him from his parliamentary duties. It was now evidently too late in the session to do justice either to the subject or to the House, in bringing forward his motion, but early in the next it was his intention so to do.

Mr. *W. Smith* said, as he had taken so many opportunities to notify his intention of persisting in giving his support to every effort for obtaining parliamentary reform, and as the necessity for it increased every day, he would not then enter into a discussion on the subject. He was sorry the hon. gentleman would not bring forward his motion in the present session, although he had assigned a very good reason for the conduct he had pursued. The hon. baronet seemed to assume, that the petition did not contain the sense of the majority of those possessing property in Kent, because the meeting had only been attended by the inhabitants of the county. But this was far from being conclusive, for it was more than probable that the meeting had been attended by a very great proportion of freeholders; and he did not think that there was any reason to suppose that the Petition did not speak the sense of the non-resident freeholders, as well as of the inhabitants. The freeholders necessarily having a share in the representation, which many of the inhabitants had not, he thought a very strong reason for calling the latter together. He looked upon the statement of the hon. baronet to be an assumption not borne out by any proof.

Sir *E. Knatchbull* observed, he merely meant to state, that the sentiments contained in the petition were not those of the county at large.

The Marquis of *Tavistock* professed his hearty concurrence in the prevalent desire for a Reform of the Representation. He believed that what dissatisfaction existed in the minds of the people was to be attributed to the want of that reform. He rose, however, now to give notice, that early in the next session, he intended to move for leave to bring in a bill to prevent the enormous expences of contested elections. (Hear!) If he should be so happy as to succeed in this object, he should then move for a repeal of the Septennial Act.

Mr. *Wortley* did not believe, as had been stated, that the majority of the people of England were in favour of parliamentary reform. At particular periods the people appeared to be intent on the measure; but, when they saw into whose hands it had got, they recovered their usual good sense.

Sir *John Newport* observed, it was most fallacious to assert, that the people returned with pleasure to their imperfect state of representation, when they beheld in whose hands the question of parliamentary reform was placed. He would call the attention of the hon. gent. who had made the assertion, and of the House, to those great men who had supported the measure —the late Mr. Pitt, sir G. Saville, and that right honourable personage on whose model the gentlemen opposite professed to ground themselves. Could these be considered as men whose recommendation would have the effect stated by the hon. gent.? If the people were at one time more ardent in the cause than at another, he could only account for it by referring to discoveries being made at particular periods, of such a nature, as to point out the paramount necessity of Reform. It was his firm conviction, that nothing short of Reform, and the exercise of a principle of renovation on the part of the House could reconcile the people to the growing burdens of the country.

Mr. *Lushington* expressed his opinion that the sentiments of the people were not so generally in favour of Reform as had been represented.

Mr. *Whitbread* said he knew the Petition to have been subscribed by numerous and most respectable signatures. An hon. baronet had said that the meeting had not been legally convened. The meeting had been convened by the Sheriff, and was of course legal. The hon. baronet had spoken of the news-paper report, and allowed it to have been full, fair and perfectly correct. Now, there was a part of that report, which he (Mr. Whitbread) had conceived to have been an error, until he had heard the very candid acknowledgment of the hon. baronet. The part he alluded to, was, where the hon. baronet was represented as declaring in answer to a question of how he voted, that he did not recollect whether he had been in the House or not upon that occasion (a laugh). An hon. gent. had said, that there were periodical fits of Reform. All he could say was, that his fit had been of tolerable long continuance, it had lasted thirty years; and he believed that the fits of many other gentlemen would be found to have been equally obstinate. It had been also said, that the people of this country grew indifferent to the cause of Reform, from seeing into what hands it had fallen. He could not see what grounds there were, either for presuming that indifference on the part of the people, or if it did exist, imputing it to such a cause. In many of his friends who were active and consistent supporters of Reform, he saw no ground for any such apprehension. He could not see in the character or conduct of the hon. member for Hertfordshire, rooted as that hon. member was in the esteem and respect of all good men, any reasons to warrant such a conclusion. He saw no reason why a cause should be injured by the support of such men as the noble descendant of the House of Russell, and many other personages who had the greatest interests in the safety and happiness of the country. As to what the hon. baronet had said respecting the persons of whom the meeting at Maidstone was composed, the Petition stated expressly that it was from the inhabitants, and not the freeholders merely, therefore it did not require the interference of the hon. baronet to put the House in possession of what they already knew. He concluded by repeating it as his conviction, that unless there was a Reform there was no salvation for the empire.

Sir *E. Knatchbull* said, that whenever there was a Petition before the House, he should, whenever he thought necessary, interfere to offer his sentiments without asking the leave of the hon. gentleman.

The Petition was then ordered to lie on the table.

SIERRA LEONE.] Mr. *W. Smith* had, on a former evening, moved to rescind an Address to the Prince Regent for certain papers relative to Sierra Leone. It had, however, upon that occasion been suggested to him, that as an hon. gent. who had moved that Address was not then in the House, and as it could not be ascertained whether or not the Address had been actually presented, that it might be advisable to postpone his motion for rescinding that Address. He had since that period learned that the Address had not been presented; and the hon. mover being now in the House, he should move that the order for the Address be rescinded, which passed in the affirmative.

REPEAL OF THE IRISH CONVENTION ACT.] Mr. *Hutchinson* stated, that his anxiety for the repeal of the above act had arisen from a wish to prevent the government of Ireland making use of it as a means of interfering with the constitutional right of the subject to petition. When he originally gave his notice on this subject, it would be recollected, that there was a very thin attendance of gentlemen from Ireland, and since that time he had been obliged to postpone it, owing to a variety of causes, to the present late period of the session. With pleasure he saw that the government of Ireland had not acted on the right hon. gentleman's (Mr. W. Pole) circular letter; and that the right to assemble for the purpose of petitioning, was freely permitted to the people. The Convention Act had been suffered to remain, as it should do, a dead inoperative letter on the statute book. He had been again induced to put off his motion on account of the absence of many of the representatives of Ireland, and also in consequence of the important motion of his hon. friend (Mr. Parnell) which stood for this evening. He should not, therefore, press the measure on the House during the present session, but early in the next, he should feel it his duty to bring forward a motion on the subject.

Mr. *Wellesley Pole* assured the hon. gentleman, that the Irish government had not altered their line of conduct in consequence of any measures taken as to the issuing the letter alluded to, nor had they altered, in any degree, the construction they had given at that moment to the Convention Act. He conceived it to be an act essential to the peace of Ireland, and it had been approved of at the time of its passing by some of the most constitutional lawyers. It was merely a declaratory act, and it was thought most proper to make it perpetual, and not limited in point of time. He could not help trusting, that if at any future period any part of the measures of the Irish government for the peace of that country met the notice of that House, they would pause before they gave encouragement to any motion concerning it, in order to have an opportunity for previous investigation. He could assure the hon. gentleman and the House, that the general tenor of the duke of Richmond's administration had been one of conciliation; and it was satisfactory to him to find, that the House had already justified their conduct in the strongest manner possible; and that, upon the late discussion of the Catholic question, no one thought proper to make any observations upon their behaviour to that body, nor to any other body of his Majesty's subjects. They had always left to the Catholics the full, free, and undoubted right to petition the legislature, provided there were nothing in their proceedings to endanger the peace of the country.

Sir *John Newport* was still of opinion, notwithstanding all the explanation that had been given, that the exercise of that power given under the Convention Act, was very blameable in the government of Ireland. He disapproved of the warning thrown out by the right hon. gent. as to calling their conduct in question. Was it proper to say, that the power of that House was to remain, as it were, in abeyance, till the Irish government thought proper to inform them that they had done so and so, and propose that inquiry should be made into it? He begged to enter his caveat against such a proposition, and, also, that because no member had particularly adverted to the conduct of the Irish government upon the Catholic question, they consequently approved of it. Although the Convention Act was in force in 1798, that was no reason for its remaining in force now, when the state o that country was so much altered. He hoped, that in the next session, his hon friend would again bring forward the question of its repeal, for he thought i could not be denominated a mere declaratory law, but an enacting law, carrying matters much further than was necessary.

Mr. *Hutchinson*, in explanation, stated, that he did not, by withdrawing his motion for the present, in any degree change his opinion as to the Convention Act; but he did not see the necessity of bringing forward the repeal of it, having foreseen that the Irish government would not again venture to execute the act to oppress the subject, but suffer it to remain a dead letter upon the statute book.

The *Chancellor of the Exchequer* said, he could not approve of what had been stated as to there being any understanding of the kind alluded to, namely; that the Irish government would not carry into execution the Convention Act. Having heard such a statement made, he conceived it to be the duty of some one of the administration who heard such a statement, to rise up and contradict it.

IRISH TYTHES.] Mr. *Parnell* rose, and spoke as follows:—Sir; whatever objections may be made to the motion which I am about to submit to the House, I feel confident that no complaint will be urged against me for having brought this subject forward at so late a period of the session. I was prepared to make the motion, of which I had given notice, on the 9th of May, but at the request of a right hon. gent. (Mr. Pole) I consented to postpone it, and the other business of the House has prevented me from having any earlier opportunity to urge it. This circumstance has induced me to adopt a different motion from that which I had at first proposed to make. It is certainly now too late to desire the appointment of a Select Committee. I shall, therefore, merely move, that the House will early in the next session take into its consideration the collection of Tythes in Ireland. For this reason, I shall not feel it incumbent on me to enter into the general subject at much length. I shall only submit to the House such general grounds for adopting my motion, as will be sufficient to shew to the House, that inquiry is essential, and I shall wait till next session to advance those arguments which in my opinion may be urged to prove the expediency of a commutation.

In the first place, I beg leave to call the attention of the House to the sentiments of the people of Ireland, as they have already been declared by petitions and resolutions of public meetings and grand juries. The county of Tipperary have resolved, "That from our local knowledge of the very heavy burdens imposed on the lower orders of the people by the present system of tythes, we are confident that the abolition of tythes, and the substitution of some less exceptionable provision for the clergy, would principally tend to promote tranquillity, extend industry, and effect a co-operation of all classes against the common enemy." The county of Clare have resolved, "That the grievances resulting from the present system of tythes in Ireland, are so manifest, and the burthens by them imposed upon the labouring classes of the community so oppressive, that it becomes our duty to declare the necessity of a petition being submitted to Parliament, humbly praying the substitution of some equivalent, but less onerous provision for the ministers of the Established Church. It being also our decided conviction, that there is no act to which the legislature can recur, which will so essentially contribute to promote the industry and to preserve the peace of this part of the United Kingdom; none which can so strongly deserve the gratitude and conciliate the affections of the people." The county of Kerry have stated in their petition to this House, "That impressed with a strong sense of the evils resulting from the mode of levying tythes, which, whilst they impede agriculture and improvement, afford the clergyman and lay impropriator a provision the most unsatisfactory in its nature, from the odium attendant upon it, they submit to the House the expediency of providing for them an equivalent, which shall be more consistent with the wishes of the nation, and the interests of the Church." The Queen's county, in their petition, say, "That the impolicy and grievance of the present system of tythes are universally known and acknowledged. That we are of opinion that the legislature can adopt no measure so well calculated to secure the good order and quiet which now prevail throughout Ireland, and to defeat any attempt of invasion, as a commutation of tythes." The grand jury of the county of Wicklow have resolved, "That when a legislative union was proposed between this country and Great Britain, it was publicly held out in Parliament by the minister of England, that some mode would be adopted for relieving the lower orders in this country from the pressure of tythes, which, according to his expression, operate in many instances as a great practical evil." The grand jury of the county of Armagh have declared "We see, with much concern, the exorbitant demands made by some of the clergy and their proctors in certain parishes in this county, in collecting tythes, to the very great oppression of their parishioners, and tending, at this time in particular, to detach the minds of his Majesty's subjects from their loyalty and attachment to the happy constitution of this country." And the grand jury of the King's county, at the last assizes, have made this declaration: "We think it expedient to express our unanimous conviction, that the interference of the legislature upon the subject of tythes, is absolutely essential to the tranquillity and prosperity of Ireland."

I cannot conceive, Sir, that a more sufficient ground could exist to induce the House to examine this subject than the unanimous opinion of these seven very extensive counties declaring tythes to be a great grievance, and that the interference of the legislature was absolutely necessary. But these counties speak the opinion of all Ireland. If the other counties had thought proper to come forward with the same zeal for the public good, and with the same energy in protecting their own most important interests and rights, I do not hesitate to say, that every one of them would have spoken the same language. I say this in the hearing of those who are able to set me right if I am incorrect in what I say, but I venture to foretell, that in the course of this debate, no Irish member will rise in his place and deny the accuracy of my assertion.

But besides the unanimous conviction that prevails in Ireland that the legislature ought to interfere, ministers themselves have afforded a very good ground to justify me in making the motion I am about to make. In the session in which the first petitions on this subject were presented to the House, I was induced to postpone calling its attention to them, in consequence of an assurance from the Chancellor of the Exchequer, that he would bring forward a measure of redress in the following session. But when that session arrived nothing more was done than a renewal made of that promise by the noble lord who was then secretary for Ireland. In the next session there was still no measure, but a new promise made by the right hon. gent. (Mr. Pole). Under these circumstances, therefore, I feel that I have a good claim upon the House to take the business into their own hands, and to give that remedy which it seems ministers are either unwilling or unable to afford.

Though it is not by any means my intention at this time to enter into the details of this most important question, I wish to take this opportunity of endeavouring to expose the inaccuracy of the statements of some facts which bear upon it. It is of the first importance that the House should rightly understand the probable numbers of the people of Ireland, and of them what proportion belong to the established church. A right hon. doctor (Duigenan) said very lately in his place, that the people of Ireland did not exceed three millions and a half, and that of these, two millions only were Catholics. He grounded his statement on the essay of Mr. Bushe. I have examined that essay, and feel no hesitation in saying, that if ever a statement was made in this House more unfounded than another, it is this statement of the learned doctor; for so far from Mr. Bushe having said any thing in his essay, from which it was to be inferred that at this time the people of Ireland amounted only to three millions and a half, he has proved that in the year 1791, they amounted to 4,200,000. Mr. Chalmers, whose authority with gentlemen on the opposite side stands very high as a person of great practical experience, has examined this essay of Mr. Bushe; and he draws the same inference. The manner in which this calculation was made, whatever may be its defects, has this advantage; that it was quite conclusive as to the numbers being as great as have been stated, because the actual existence of a certain number of houses was fully ascertained by the collectors of the hearth-tax, and the average number of persons in each house by the actual enumeration of those living in so large a number of them, as to afford good grounds for taking the average which was adopted. The defect of the plan was, that it was not the way of ascertaining the whole of the population, for Mr. Bushe says, that although sworn officers were appointed to collect the duty, and after the frauds of several of them had been detected and punished, there were a considerable number of houses suppressed by them. The general inference to be drawn from Mr. Bushe's estimate is this, that the population of Ireland in 1791, was at the least 4,200,000, and that in the course of the last 20 years, between the numbers omitted to be taken into the account, and the probable increase of the people, it is a very moderate calculation to make the actual population of Ireland at this moment at 5,000,000.

As to the proportion which the dissenters from the established church bear to them who belong to it, there is good authority for saying, nine-tenths are dissenters. This fact forms a leading feature in the grievances of Tythes. It was certainly a great hardship that a people should be obliged to pay the clergy of a church whose tenets they did not follow, besides paying the clergy of their own church. I feel, Sir, when I make this observation, that it is necessary for me to guard it, by saying that those who dissent from the established church do not seek for the abolition of Tythes: they by no means carry their complaints so far as to warrant any such inference. All they ask for is relief from the oppressive and vexatious manner in which they are made to pay them; and surely, if they are contented to support the establishment, and to pay what the church demands, it is but just that, under these circumstances, the legislature should take care they were protected from the extortion and tyranny of those employed in the collection of them.

It may, I know, be said, that if the concession which is now sought for is given, the people will not rest satisfied, but go still further and further, till they have destroyed the established church. But if this argument shall be made use of on this occasion, as I think I have reason to expect it will, as it applies as well to this occasion as to that of the Catholic claims, I should be inclined to reply, that the Protestant church of Ireland is fully secured from all such attempts by the act of Union; not merely by the letter of it, which declares it to be one and the same as the church of England, but by the very nature and essence of it. This measure was proposed by Mr. Pitt, for the avowed purpose of obtaining two great objects; the first, the advancement of the power and security of Great Britain, by an union of the two legislatures; the second, the remedy of the defects of the internal system of Ireland. These defects were, on the one hand, an establishment of church and state, for the exclusive benefit of one-tenth of the people; and, on the other, a people deprived of their constitutional rights, through fear of the concession of them being detrimental to the establishment. To remedy these defects, Mr. Pitt proposed the Union, by which the establishment was to derive the security by consolidation with the Protestant establishment of England; and the people were to be placed in a condition which would enable the legislature to concede to them their constitutional rights, and redress of the grievance of Tythes. If then the concession were made, even now, the people would feel they were bound to submit cheerfully to the support and protection of the established religion. But had, fortunately, the time of making it been the time at which the act of union passed, I think every one who knows any thing of Ireland will say, that no circumstance could have happened which would have placed the established church on so secure and permanent a basis; for that basis would have been the admission of the people for the first time into a full enjoyment of liberty, and relief from the greatest of all grievances—the Tythe system.

I wish, Sir, to take some notice of an assertion of the advocates of tythes, that the people of Ireland are not oppressed by them, but by their landlords. It is said that their landlords exact more rent for their land than the land is worth. To me this seems to be an assertion on the face of it the most absurd. By what contrivance land is made to differ from all other commodities in respect to its value, I cannot possibly comprehend. I should imagine that land, like other things, would only bring that price which, according to those principles which govern prices, is the fair and proper price. If it were otherwise, and the poor tenantry of Ireland did really undertake to pay more for land than the land was worth, as they would begin to cultivate it in total poverty, and as its produce would not enable them so to pay the rent agreed for, it is so plain that great loss to the landlord must be the result, that I never can believe that landlords can have ever attempted, much less established so ruinous a system. That there are landlords in Ireland, and absent proprietors of land there, who sometimes mismanage their estates when out of lease, I know to be the case. I mean those landlords who make it a practice never to grant leases to the poorer description of persons resident on their farms after the expiration of an old lease; but to select some opulent individual to take the whole land that is to be disposed of in one lease. On the one hand there is no practice so completely proved by experience to be beneficial to both landlord and tenant, as that of giving leases to the under-tenants that hold the land on the expiration of an old lease. It gives every encouragement to that great class of people to be industrious and orderly in their conduct, upon whose industry and good conduct the prosperity and tranquillity of Ireland almost entirely depend. I have never known an instance in which it has failed to produce the most beneficial effects. The tenant uniformly repays the landlord for the confidence placed in him, not only by great punctuality in respect to his rent, but by making great improvements in the cultivation of his farm, and by following a peaceable course of life. On the other hand, when landlords, mistaking their own interests, adopt the practice of selecting one opulent individual as their tenant of each large tract of land they have to let, without any regard to the numerous families that may be resident on it, they greatly diminish their own income, and place these families in the most miserable condition, by exposing them either to the exorbitant exactions of the immediate tenant, or to the still greater oppression of expulsion from the land on which they have been accustomed to live. I feel, Sir, very anxious to impress upon the House a conviction of the truth of these doctrines; because I know of no circumstance belonging to the internal economy of Ireland, so well calculated to improve the condition of the lower orders of the people, and to render them industrious, comfortable and happy, as the adopting as a general rule by landlords of the practice of giving their lands when out of lease to those whom they may find established upon them. I have seen whole tracts of country, and great tribes of people brought from a state of waste and poverty into one of great improvement in the course of a few years by this simple expedient, and I feel quite sure that if all the landlords of Ireland were to select for their tenants those who have become fixed on their property as tenants to their immediate tenants, whenever opportunities present themselves, the most general and most valuable improvements would soon shew itself in the better cultivation of the country, and in the ameliorated condition of the lower orders of the people.

In a former debate on this question, I, and those who thought and acted with me, were accused of spreading a flame of expectation that never could be realized, and that would produce incalculable mischief. There is no charge so easy to be refuted as this—because I have not been the first to complain of the grievance of Tythes. In the year 1787, several petitions were presented to the Irish House of Commons, praying for a commutation. In that and the two following years the right hon. gent. the member for Dublin (Mr. Grattan) called upon the House to listen to the prayer of the petition. He prefaced his motion with speeches of such force in argument, and such power in eloquence, that so long as they exist, Tythes must be considered a grievance, and the plan for redressing it simple and practicable. In the year 1799, Mr. Pitt, of whose principles the right hon. the Chancellor of the Exchequer professes himself to be the strenuous advocate, when he wishes to give to his administration the aid of Mr. Pitt's authority, said in his speech on the Union, that Tythes in Ireland were a great practical evil. The administration that preceded the present implicitly avowed themselves to be friends of an alteration of the Tythes in Ireland; and the right hon. gent. himself has contributed very materially to raise the expectation of the people by the promise which he made when the Petitions were presented to the House three years ago. So that in point of fact, there is no ground whatever of imputing to me, or those who act with me, the charge which had been made.

Let the fate, Sir, of my motion be what it may, I wish to take this opportunity of assuring the House that I will very early in the next session bring this subject before the House. I trust that the people of Ireland will take the opportunity the recess will afford them of making their sentiments more fully known. If they do—if all the Irish counties come forward and give to their friends in parliament the advantage of the public declaration of their opinion, I, for my own part, can feel no doubt of their efforts being completely successful. I beg leave to move, "That this House will, early in the next session of parliament, take into its consideration the Collection of Tythes in Ireland."

Mr. *Sheridan* said, that having long considered this question as one most important to the tranquillity of Ireland, and one that was called for by the general policy and expediency of the country, he therefore rose merely to second the motion.

Mr. *Wellesley Pole* said, that from the manner in which the hon. gentleman had brought forward this motion, he should have been extremely happy had he been able to give it his support. He had, during the recess of parliament, inquired into the subject; but the more he had investigated it, the more he was convinced of the impossibility of adopting any measure to remedy the evil complained of. Both he and his right hon. friend near him had been anxious to suggest some feasible plan for that purpose the moment he came into office. It had been a subject which had been frequently agitated by some of the most enlightened statesmen, and amongst others by Mr. Grattan, and yet none of them had ever been able to suggest a plan that could have the desired effect. Knowing the great weight which that right hon. gent. possessed in Ireland, it was certainly extraordinary that he could not so much as induce the Irish parliament even to discuss the Bill he proposed upon this very subject. Even the hon. gent. who now made this motion, although he had read all the books and pamphlets that had been published upon the subject, had not been able to suggest a plan. He himself did not, at first, perceive the difficulty that existed; but he had now formed the opinion, that there was no plan that could be adopted that would not place the people of Ireland in a worse situation, in regard to tythes, than they at present were. It was easy to talk of theories, but he might here observe, that tythes, so far from being an additional tax upon the landholders, were of the nature of an original charge upon all property, supposing that all property emanated from the crown. When a person took a lease, he took it under the burden of tythes, which were a tenth of the produce of the land, one third of which belonged to the lay impropriators, and the other two thirds went to the clergy in various ways. The persons paying Tythes to the lay impropriators, generally speaking, were more oppressed than those paying to the clergy. If there were any oppression at all, it was occasioned by the Tythe farmer, and not the Tythe proctor. The Tythe farmer was one who took a lease of the Tythes and collected them. One of the great causes of the oppression, was the payment of Tythes from year to year, without any certainty of the amount, for without a certainty of what a man was to pay, he naturally conceived that the more industrious he was, the more he was taxed at the end of the year. The remedy that occurred was, to give to the clergy the power of granting certain possession for fourteen years, at a certain specific rate, but it was found that the lay impropriators had already let one-third of the whole Tythes of that kingdom. If this were correct, it would not be proper to enable the clergy to grant leases beyond their incumbencies, but even that measure would not tend to remedy the evil complained of. The Bill for raising the Tythes in Ireland was framed by lord Redesdale, and afterwards considered by the Lord Chancellor of England, and it was found impossible to frame it in any other way. If they were grant a general power of leasing, it would be impossible to give relief to the parties. In the parish to which he himself belonged there were already nearly 2,000 persons who paid Tythes. He was the first person who had set his face against those who were called middle men in that country, because he had always endeavoured to let his land to the persons who were residing upon it, but it was necessary to understand the people of Ireland, in order to understand this question. The very moment any gentleman advertised his estate, containing about 20, 30, or 40 tenants, all of whom, with their families, having resided upon it during their lives, and although they were most anxious to remain upon it, yet it was with difficulty they could be got to make an offer. This being the case, the lands were necessarily let to another, who re-let them to the original tenants at a still higher price than what they could have originally got them at. He wished the landlords to set their faces against these middle men, and much of the complaints would be done away. Many things tythed in England were not tythed in Ireland. There were, for instance, no Tythes in Ireland for calves, milk, and hay, and in many parts no Tythe was taken for potatoes, and in other parts, only six-pence per acre. In some parts, there was only one shilling taken for the whole flax upon the lands, and in other parts only six-pence per acre. It was therefore, evident, that the Irish, in regard to Tythes, were used with the greatest lenity, in comparison with England. He did not know whether the hon. gent. meant to include the lay impropriators as well as the clergy in his proposed regulation; but he should conceive, that it was hardly possible to regulate the one without regulating the other. It had been originally proposed to appoint commissioners, to ascertain the value of those Tythes, but he could not conceive how the commissioners were to act. They had before them the common law of the land to regulate their conduct, and if they found that a clergyman had a right to Tythes upon flax, but only charged one shilling per acre, how could they take an oath that that was all they had a right to? The same observation might be made as to potatoes, which, in some places, only paid sixpence per acre. He should aver that such a plan of regulation could not be practicable.—Mr. Pole then proceeded to animadvert upon the plan formerly suggested by Mr. Grattan, and endeavoured to shew the fallacy of the instructions therein proposed to be given to the commissioners. He contended that the unfortunate cultivator of land would not be relieved from the supposed grievance of Tythes. For supposing that there was a rate, per acre, in lieu of Tythe, the consequence would be that the landlord would charge, not nine-tenths of the produce of the land, but the whole of the produce upon the tenant. It would be no longer competent to say, when bargaining for rent, "You must take into your consideration the tenth, which must be paid in Tythe." Thus, while the amount of the Tythe would be laid on by an acreable rate, the whole of the produce would be estimated by the landlord, in the charge of his rent. Was it not universally admitted that where land was Tythe free, the rent was considerably greater? The reason why it was not accounted a grievance, when paid in rent, was, that the landlord and tenant, at the time of their contract for the farm, took all this into their consideration, and the tenant, being led to understand at the time, the condition he would be subjected to, became satisfied. It was therefore clear, if we could make the tenant understand his case in respect to tythe at the time of his taking the farm, he would not feel more dissatisfied in this situation, than he would do if he paid so much more rent. These were the reasons, in his opinion, why one mode of payment was not, and the other was, accounted a grievance. There would be considerable difficulty in laying on this rate by acre, and when it should be charged upon the produce of each acre, by calculating so much for an acre of wheat, so much for an acre of barley, &c. the calculation through a parish might be so made as to bear very hard and very unjustly upon the owners of farms, without any regard to the quality of the soil. Originally he had approved of the mode proposed, that the clergy should have land in lieu of tythe; but upon closer examination he found that even that mode would be attended with so many difficulties, as would render the justice of it impracticable. It would be found impossible in selling the tythes, and purchasing land in lieu of them, that the church could preserve the amount of their property; they would lose nearly one-fourth. He thought differently from others respecting the conduct of the clergy, and recollected several instances of their shewing great moderation. In Ireland, the tythe of agistment had been removed by act of parliament, and the bishops entered a protest memorable for its moderation and liberality. In the province of Ulster, though the tythe of milk had been petitioned against, and the legislature considered the charge of the clergy proper, yet it was discontinued, and no such thing was taken at this day. It was a fallacious conception, that tythes were more oppressive in Ireland than they were in this country. This mode of ameliorating the payment of tythes would be found totally inapplicable in Ireland, as it could not suit itself to the various customs of different parishes. It would be much better to devise a system whereby the clergy might be led to do their duty, to go about and attend to the wants and necessities of the people, which would produce such an understanding between the pastor and his flock, as would put an end to all complaints of grievance. The evil was not what it was supposed to be, if the truth was clearly understood. He believed none paid tythes more cheerfully than the Roman Catholics of Ireland; and he had no doubt but they considered the right as emanating from the original grant of lands from the crown. The disturbances which happened last year, in the counties of Kilkenny, Tipperary, and Waterford, were not connected with the complaint against tythes. If it would be any satisfaction to the hon. gentleman opposite to know that ministers were disliked, he had no hesitation in saying they were much disliked in those counties. That dislike arose from their conduct in regard to the Insurrection act, and none received deeper and louder curses than he did upon that occasion. But in only one of these counties, and in one instance only, was there any mention of the grievance of tythes.—The right hon. member next proceeded to state the opinion of the Solicitor General of Ireland, which stated the ruinous consequences that must result from the principles entertained by the common people of that country. He concluded by conjuring the honourable gentleman to withdraw his motion, and before next session there would be an opportunity for him to look round and view the state of Ireland, to estimate the correctness of the remarks which he had made this night. If the hon. gentleman should then think some measure of this description were necessary, and he could bring him to concur with him as to its necessity, and could convince him of its propriety, he would be the first to promote any plan which could benefit the people of Ireland.

Mr. *French* expressed his pleasure in having heard the speech of the right hon. gentleman; but he could not agree with the greater part of his observations. He did not see the difficulty of making a rate per acre, and thought it might easily be apportioned, according to the average amount of the different articles, and a calculation of a number of years. He was ready to allow that tythes had no share in the disturbances of Ireland; but he supported the mode now recommended, as one likely to produce satisfaction. He foresaw no difficulty, and although a few gentlemen might pronounce it impracticable, that was no argument against making the trial. In the parliament of Ireland, particularly, he had known instances where plans had by a few been pronounced totally impracticable, and yet those plans were afterwards adopted and found to be beneficial. He was a friend to this measure of ameliorating the tythes, because he thought it would create considerable satisfaction in the minds of the people of Ireland.

Mr. *Herbert* thought a mode might be devised, which would secure the rights of the clergy and tranquillize the minds of the people. He attributed most of the calamities of Ireland to the custom of dividing farms amongst a numerous family, and thereby causing a superabundance of occupants, and hence they were not able to support themselves. The same custom in France led to great misery. He was favourable to the motion, but he did not consider tythes as the only grievance of that country, but they were an aggravation of all the evils he had mentioned.

Mr. *Tighe* was happy to hear that gentlemen on all sides agreed, that in the system of tythes there were many evils which required redress. Even the Irish Secretary of State agreed in this opinion; there were papers on the table which shewed it to be the decided declaration of the people of Ireland, that any modification of the Tythes would be better than the present system observed in Ireland; and the question seemed to be, whether the House should proceed to a modification of this system, or whether they ought to rest satisfied with the mere *ipse dixit* of the Secretary for Ireland on this subject? He, believed, that in a true system of politics, no grievance ever existed for which a remedy was not to be found. The grievance here complained of, was that of the union of an Anglican church to an Irish state. The question now to be considered was, whether at any future period, the evils thence complained of might be remedied?—The only alleviations proposed by the right hon. Secretary, were resident clergy, who would have no duty to do; and glebe houses, which must be useless, unless where there were families to put into them. The right of Tythes rested on an Act of Parliament; and there was no reason why it should not be changed, as well as the acts regarding Crown rents and quit rents, which had undergone alterations.

Dr. *Duigenan* said the clergy only got according to the goodness of the crop, which was a more equitable mode of proceeding than that of the landlord, who insisted on having his rent whether the crop succeeded or not. The conspirators, along with O'Connor and Emmett, had been known to declare, that the people would not be at all relieved by the abolition of Tythes, which would only go to increase the rents of the landlord. He denied that the proportion of Protestants and Roman Catholics was at all as had been represented. Instead of the Roman Catholics amounting to five millions, he contended that they did not amount to above half that number.

General *Mathew* declared, that he never had any idea of dispossessing the present proprietors of Tythes, without seeing that they received a perfect and complete equivalent. The right hon. and learned doctor had been pleased greatly to underrate the population of Ireland; but he would venture to assert, that the next census would exceed five millions of people. The Secretary of State, too, had asserted what would almost induce him to say he knew nothing of the country, at least greatly to doubt that he was acquainted with the wishes either of the people or of the clergy.—The plan which he would propose, and which, he was satisfied, would be agreeable not only to the Irish clergy, but to the Irish people, would be, that the clergy should be paid from the treasury, by the sale of the clerical lands, and if any thing in addition was required, then, he submitted, that there could be nothing so simple as to raise the remainder by an acreable tax on the lands over which there was at present a right of Tythe. The sum thus allowed, he should propose, should average the Tythe for the last three years, and, that there might be no complaints, that the valuation should be revised every 21 years. If such a system were adopted, then would the bone of contention, which at present existed in Ireland, be withdrawn, and Ireland would become a mine of wealth to England, instead of being a burden upon her, as she had been said to be by the hon. member for Corfe castle (Mr. Bankes); that hon. member, who had made it his study on all occasions to speak most contemptuously of Ireland, had, however, only shewn his ignorance on this occasion.

The *Speaker* here called the hon. general to order.

General *Mathew* was happy, however, that the hon. member had met with a just rebuke, not only from the Irish Chancellor of the Exchequer, but from the English Chancellor of the Exchequer also.

The *Speaker* again interfered, begging of the hon. general to spare such remarks as by the rules of the House were forbidden.

General *Mathew* again expressed his pleasure at the check the honourable member had received.

The *Speaker* asked if it was the pleasure of the House that the orders should be acted up to? This being answered by calls of Chair! chair! from every part of the House, the Speaker then informed the hon. general, that by the usage of the House, such reflections as he had made were forbidden; on which the hon. member sat down.

Mr. *Bankes* declared it had never been his practice or his inclination to talk disrespectfully of an individual, still more of a whole nation. He had looked into the financial situation of Ireland; and it was a thorough conviction of the dilapidated state of its finances which had induced him to make the observations which had given offence to the hon. general. His experience since that time, however, had confirmed rather than removed the impressions he then felt. As to the hon. member, he had always felt and expressed himself towards him with respect. With regard to the affairs of Ireland, it would be to the advantage of that country, if other gentlemen belonging to England had attended to them as he (Mr. B.) had done.

General *Mathew* declared himself satisfied with the explanation.

The *Speaker* said, it was for the hon. general to have explained.

General *Mathew* thought he had already done so.

Sir *John Newport* observed, that he was much obliged to the hon. gent. for having brought the question before the House. He could not agree with the learned doctor, that tythes were as much the property of the clergy, as the land was to the landholder. He knew of forty acres of potatoe ground, in the diocese of Cashel, where the landholder had to pay five pound an acre tythes. Would it be said that this was not a great evil; and why, then, should not the House pledge themselves to investigate the subject in the next session? It appeared to him to be the old story; for whether it was the case of reform, Catholic emancipation, or tythes, he never knew the administration acknowledge that they ought to be relieved, and that the Petitions presented to them merely arose from the turbulent spirit of the people. Would any rational set of men believe this to be the fact, when the very accused were the supporters of the constitution? If the people of Ireland had the same foresight before the Union as they had now, they would have got what they were now seeking for. His right hon. friend (Mr. Grattan) had often brought forward similar measures in the Irish parliament. Although they had been lost, he had the satisfaction of knowing they were approved of by the people. Although not in parliament at the time of the Union, he was one of those who was led astray, for he thought its basis was Catholic emancipation, and the regulation of tythes. The abuses in proctorage, and the evils arising from the variety of tythes, as stated by the right hon. Secretary, appeared to him to be strong reasons for going into the inquiry, rather than reasons against it. But whatever decision the House now came to, the application he hoped would be repeated, till a remedy was found for so great an evil.

Mr. *Abercromby* supported the motion, on the ground that, as the existence of a great evil was admitted on all hands, the House ought not to rest satisfied without inquiry.

Mr. *W. Smith* followed on the same side, and contended that the whole tything system ought to be revised.

Mr. *Peter Moore* spoke in favour of the motion, and expressed his astonishment that investigation into the state of Ireland should be refused, when their ignorance about that country was so great, that the two sides could not agree within a million and a half, as to its population.

The House then divided, when the numbers were: For the motion 29; Against it 54; Majority against the motion 25.

List of the Minority.

Abercromby, J.
Adams, C.
Babington, T.
Barham, J. F.
Barnard, T.
Brougham, H.
Burdett, sir F.
French, A.
Grant, G.
Herbert, H.
Hutchinson, C.
Kemp, T. R.
Knight, R.
Latouche, R.
Latouche, T.
Martin, H.
Mathew, General M.
Moore, P.
Newport. sir J.
Palmer, C.
Sheridan, R. B.
Smith, W.
Talbot, R. W.
Tighe, W.
Warrender, sir G.
Western, C. C.
Wilberforce, W.
Wrottesley, H.
Whitbread, S.

TELLERS.

Lloyd, H.
Parnell, H.

HOUSE OF LORDS

Wednesday, June 12.

Berkeley Peerage.] The Committee of privileges on the Berkeley Peerage sat from half past one till nearly half-past eight. The evidence on the part of the claimant was closed, with the exception of Mrs. Turner, sister to the countess of Berkeley, whom Mr. Serjeant Best stated to be in America, and requested that the further consideration of the claims might be postponed till the next session, upon an engagement on the part of the claimant, then to produce her as a witness. This was objected to by the Solicitor General, but the consideration of the question was not entered into by the Committee, it being agreed that the Solicitor General should call the further witnesses who were in attendance on the part of the youngest son. These witnesses were therefore examined; and some letters from the earl of Berkeley were given in evidence. The further proceeding of the Committee was appointed for to-morrow at half-past one o'clock. It was, suggested by lord Redesdale, that it was material their lordships should be in possession of the evidence of a certain noble lord, a member of the House.

HOUSE OF COMMONS.

Wednesday, June 12.

JOURNEYMEN TAILORS.] Mr. *Lockhart* rose, in pursuance of notice, to call the attention of the House to some regulation on the subject of the Tailors' trade in the city of London. Combinations among this body were of very old standing, and called, even in ancient times, for penal acts. The oldest which he could find on the subject was in the reign of Edward 6; the next was enacted in the reign of George the first; and another still more severe in the reign of his present Majesty. It was found, notwithstanding, that those combinations had not only increased, but that they were conducted on a scale of great magnitude, and with such peculiar sagacity as to defeat the object of every penal statute. There were, within the bills of mortality, about 24,000 tailors, and of these 4,000 had been proved to be in a regular combination, provided not only with counsel, but with a fund of money. They were not content with aiding their own combinations, but even the combinations of other trades, particularly of the Calico Weavers. It was unnecessary for him to enlarge upon the danger of such combinations, or the probability of their taking a much more extended and different compass, unless speedily removed. He concluded with moving, "That a Select Committee be appointed to take into consideration the Laws regulating the Wages of Journeymen in the Tailors' trade within the bills of mortality, the state of the said trade generally, the combinations entered into by Journeymen therein, and the effects thereof on other branches of industry."

Sir *Thomas Turton* did not approve of the existing laws, but thought that no additional restrictive statutes should be enacted against the Journeymen Tailors.—The motion was then agreed to.

FRENCH PRISONERS.] Mr. *Rose* moved, that there be laid before this House an Account of the number of French Prisoners of War in England, distinguishing the prisons in which they were confined in the month of April 1810, and according to the latest returns; distinguishing those in health from the sick and convalescents.

Mr. *Whitbread* suggested, that some measures should be taken to improve the prisons, especially by paving the yards. He did not mean to insinuate that government had been guilty of any neglect with regard to the accommodation of the prisoners; to whom, on the contrary, he believed the utmost attention was paid.

Mr. *Yorke* bore testimony to the good treatment of the prisoners.—The motion was then agreed to.

PAYMENT OF NAVAL OFFICERS SERVING ABROAD.] Captain *Bennet* said, that though the nation was indebted to the late lord Melville for the act which enabled the Navy officer serving on a foreign station, to draw his personal pay at the end of every three months, there was still a great hardship from which they were not relieved, and it was to remove that hardship he brought forward his present motion. What he complained of was, that the officers on foreign stations incurred a loss of from 35 to 40 per cent. in consequence of the rate of exchange; and what he wished was, that they should be put on the same footing with the army in this respect. Many memorials had been transmitted on the subject to the Admiralty, but without producing any effect. Upon the Scheldt expedition they were ordered to be put on the same footing with the army, that the best understanding possible might exist between the two services; and if such a measure was necessary upon that occasion, he did not see why it should not be beneficial as a permanent regulation. He then moved, "That the Act 35 Geo. 3, c. 28, to enable petty officers in the Navy, and seamen, non-commissioned officers of marines and marines, serving in his Majesty's navy, to allot part of their pay for the maintenance of their wives and families, might be read:" And the same being read; he further moved, "That this House will resolve itself into a Committee of the whole House, to consider of so much of the said act as relates to the payment of Naval Officers serving abroad."

General *Tarleton* seconded the motion, and maintained, that whenever the rate of exchange interfered with the pay of the officer, it ought to be made up to him.

Mr. *Yorke* said, that as the House had already refused this motion in the course of the present session, and as the gallant officer had not produced any argument or fact in addition to those which had already failed, he could see no reason for altering his opinion. He allowed that the gallant officer was actuated by the best motives, but it was in general desirable that motions of this description should proceed from the executive government. As to the memorials alluded to, he knew but of one, which was from the officers stationed at Lisbon, at which place the inconvenience was in a great measure done away, nine out of the eleven ships having been since recalled; there were also seven or eight removed from the Mediterranean; and steps would be taken in future to prevent their remaining on their stations so long. It was also deserving of remark, that so far from objecting to the service in the Mediterranean, they made it a matter of canvass and solicitation to be sent to that quarter.

Mr. *Lyttleton* said, that the right hon. gentleman had not given a sufficient reason for not going at least into some inquiry. He feared that the expedient of changing situations would not answer, and thought the House and the justice of the country were concerned in making up the pay of the officers who lost so much by the exchange. It was a question of strict and absolute justice. The expences of captains of frigates were great, and this loss must be severely felt by them.

Mr. *Whitbread* said, his hon. friend was, in his opinion, strictly regular in bringing forward this motion, and that, notwithstanding what had been alleged by the right hon. gentleman, no decision of the question had yet taken place. The question now to be considered was generally this, that the House should go into a Committee, to take the subject into consideration. The right hon. gentleman, however, objected against dispensing with old rules and customs, because he says there is no knowing where they will stop; and would rather subject officers in the navy to be the sufferers they now were, than alter old rules, however injurious to the service. The right hon. gentleman said, would you alter the pay of the officers serving at the Cape of Good Hope? but this did not apply to the present question, for there was not a tenth part so many of our ships on that station as in the Mediterranean. He should be glad to know why the officers engaged in that honourable expedition to the Scheldt, which had also been approved by this House, had been excused from this hardship, and those serving in the Mediterranean should be doomed to endure it? The hon. officer who made this motion had long served on that station, and having heard the complaints of the officers, as well as knowing from experience with what truth and justice they were made, had therefore brought it forward. He did not ask for any specific measure, but only that the question should be considered, and this the House ought to comply with.

Mr. *Rose* said, it was hardly possible for an individual to be placed in a more disagreeable situation than this he stood in, compelled as he was to give a negative to this motion. Very soon after he came into the office of Treasurer of the Navy, this question came under consideration. He consulted with several officers on the subject, and found the difficulties numerous and nearly insurmountable. If the measure were to be adopted, it must be general through every station; and in that case great part of the navy would be losers. Those officers who were on the West India and other stations had an advantage in drawing; and he was, from the result of all his enquiries, perfectly convinced, that on the whole the public would lose infinitely more than the officers could possibly gain; for he did not believe they would gain one shilling. He should be sorry it should go abroad, or be understood out of the House, that this motion was resisted merely from a principle of economy; for when the real benefit of the service was in question, economy, merely as such, would not operate on his mind; and this he had evinced by an immediate support of the application for the officers to have their wine duty-free.

Mr. *Bastard* said he thought the officers of the navy should not be thus unjustly taxed, and he would therefore vote for the motion.

Lord *Cochrane* could not see any greater difficulty in paying the officers of the navy abroad, than in paying the army, With respect to the difficulty of ascertaining the rate of exchange at every place where officers could draw, there were Consuls, or other persons of the same description, who could certify what the exchange really was. The officers on the Gibraltar station were 25 per cent. out of pocket. It frequently happened that an officer was unable, from this loss, to buy sufficient quantity of necessaries to last the proper time.

Sir *C. Pole* stated, that not being in the House when this subject was discussed on a former night, he was not able to take advantage of the arguments used on that occasion, but from all that had been advanced now either by the hon. mover of this question or by the right hon. gent. opposite, he was more and more grounded in his opinion, of (which he had often presumed to express to the House) the urgent necessity of an immediate inquiry into the state of the navy, with the hope that if it did not produce an immediate increase of the pay and amelioration of the situation of the officers, it would at least impress on the minds of the House and particularly on the Chancellor of the Exchequer, the necessity of due economy in all branches of Government, to enable them to do justice to the officers serving by land and sea. He was the less inclined to enter into a partial and limited inquiry, as it appeared to him that much evil arised to the service, from the frequent recurrence to temporary measures or expedients called for at particular moments. He confessed he was not one of those who were disposed to pay every tribute of applause to the act of the 35th, commonly called the Allotment act. He believed it to be an act pregnant with mischief, he believed it to encourage desertion, and still further, he believed it would hereafter occasion much discontent to the seamen, or the alternative of creating great expence to the country. He disapproved of this act, in as much as it was at variance with the principle and salutary regulations of the act of the 38th of Geo. 2.—Having long taken this view of the act of the 35th of his present Majesty, which was now proposed to be strengthened and enforced, it would not be deemed extraordinary, that he should propose an amendment which might have the effect of calling on the House to go into a Committee on the state of pay generally; it might be asked, if he had long entertained this opinion, why he had not during the session proposed some question to the House, to which he could honestly reply, that his confidence in the right hon. gent. who presided at the Admiralty, had induced him to believe that he would do all in his power as first lord to obtain justice for the officers of the navy, which had prevented his volunteering to trouble the House. But being now called on to give his vote, he had no difficulty in stating his sentiments, that the most proper measure to adopt, was to enquire generally into the important subject of the pay of the officers of the navy, and not to confine their enquiries into so limited a portion as that of the officers serving abroad.

Admiral *Harvey* seconded the amendment.

Lord *Cochrane* said an increase of pay to the seamen in the navy would be of little advantage to them, so long as the present system continued. He had in his hands a list of ships of war in the East Indies. The Centurion had been there 11 years—the Rattlesnake, 14 years, came home the other day, with only one man of the first crew—the Fox frigate, under the command of his brother, had been there 15 years—the Sceptre 8 years—the Albatross 12, &c. Not one farthing of pay had been given all that period to all those men. He had made a calculation on the Fox frigate, and supposing only 100 of the men returned, there would be due 25,000*l.* to the crew, not including the officers. What became of these sums all the while? The interest ought to be accounted for to Government or to the seamen themselves. The Wilhelmina had been 10 years, the Russel 7 years, the Drake 6 years, of which the men would be exiles from England for ever, and another vessel 4 years. Nothing would be of greater service than the frequently changing the stations of ships, which might be done without any inconvenience, and even with much advantage to the East India Company's ships. The seamen, he said, from the want of their pay, had no means of getting many necessaries of the utmost consequence to their health and comfort. The seaman drew less prize-money under the existing acts than formerly. He instanced a vessel, the proceeds of which came to 355*l.*; by the present mode of distribution, the seaman would receive 13*s.* 5½*d.*; by the old mode he would have received 15*s.* 1½*d.* From the officers' share there was deducted in all 75 per cent. allowing only 10 per cent. for the prize courts. The minister had exultingly asked, what was become of the commerce of France? But he would undertake to shew him, before he was 48 hours on the coast of France, as least 200 sail of the enemy's vessels. If they were to pay more liberally the Judges of the Admiralty Courts, and operate a proper reformation in them, he would undertake to say that they might score off at least one-third of the present ships of the navy. Ministers said there were no vessels on the coast of France; but he said there were; and if they would go with him, he would shew them how they could be got at.—He rather thought that the inattention of the government to the profligate waste of the public money, arose from their unwillingness to believe any thing contrary to their own crude notions on these subjects. He stated, and he begged the House to attend to it, for it was as important as the subject of Mrs. Clarke, that in the reign of James the 2d the pay of a captain of a first rate was 80*l.* more than at present. King William, when he came over with his Dutch troops, whom he was much more anxious to attend to than he was to attend to his subjects here, took up his pen and cut off one half of the pay. So much for foreign troops—but still taking the advance of prices into view, king William left it far better than it was now.—His lordship then again called the attention of the House to the extent to which the French coasting trade was carried on, and observed, that it could not be checked, unless greater encouragement was given to the captains. If he commanded a ship on the coast of France, by keeping at a good distance he might go to sleep, but in order to intercept those coasting vessels the captain must be on deck watching all night. But it was impossible they could do this, merely to put money in the pockets of those who practised in the Admiralty court. They were certainly not worse than other men, there were many valuable officers stationed on the coast of France, but they were men, and would be actuated by the feelings of men.

Mr. *Yorke* said, that at this late period of the session it would be impossible to enter upon a subject of such detail as that which was now brought before the House. As to ships being detained so long upon foreign and distant stations, it was much to be regretted, but it was often unavoidable. He was happy, however, to state, that in consequence of the success of his Majesty's arms in India, a considerable part of the naval force on that station had been already recalled.

Captain *Beresford* said, that the noble lord (Cochrane) who had latterly been lounging over the world in quest of grievances, did not appear to have duly appreciated the exertions of the officers employed off the coast of France: although they were not always running vessels under batteries to get hold of a few crazy boats that were worth nothing, they wanted no stimulus to do their duty. The fact was, that the noble lord was too much on the watch; his own brother had desired him (captain B.) to put him to bed; and he had so done when he was in Basque Roads, or the noble lord would have been overcome by the extreme fatigue, which he went through previous to that gallant exploit.

Lord *Cochrane*, in explanation, said that he had not charged those officers with any want of exertion; but merely stated that a proper stimulus was not held out.

Captain *Bennet*, in reply, stated, that he had had several conferences with the Admiralty on this subject, and had wished very much that the business should have originated with them. He therefore could not be charged with bringing forward this measure from any desire of popularity in the navy. In the course of the last war, the marines at Malta received the dollar at 6*s.* 10*d.* while the army took it at 4*s.* 6*d.* In the expedition to Walcheren, the army and navy were put on an equality in this respect, and he did not see why they should not in other instances.

Mr. *Rose* said, that the inconvenience to the public would be greater in this arrangement than the advantage to the navy. A noble lord had stated that 5 millions annually might be saved to the public with respect to prizes. He would assert, that one thousand pounds could not be saved; and he would defy the noble lord to put his statement on paper in such a manner as would convince one human being.

The House then divided,—For the motion 14. Against it 54. Majority against it 40.

INFORMATIONS FOR LIBEL FILED EX OFFICIO AGAINST DRAKARD AND COLLYER.] Lord *Folkestone* rose to make his promised motion for the production of the criminal informations against Mr. John Drakard and Mr. John Collyer for libels, and he was happy that at length he was enabled to do so while the Attorney-General was in this place. The sentence that had been passed upon those persons appeared to him to be of a most cruel and severe kind; and he would shortly state the circumstances of the prosecutions to the House, which he thought would abundantly prove that he was correct in his designation of the punishment. The libel for which Mr. Drakard had been prosecuted appeared first in his own paper, The Stamford News, from which it had been copied into a London newspaper, the Examiner. Against the editor of this latter paper a criminal information had been filed by the Attorney-General. The matter came on for trial at Westminster Hall, and the accused had been acquitted by the jury. It was not his intention to go into the details of the prosecution against Mr. Drakard at the present time; but from the complaints that had been made, that there were persons who wished to overturn all establishments, and especially the judicial establishment, he should have thought it politic not to try a man for such an undefined offence as that of libel, when another who had published the same libel had been acquitted. These, however, it appeared, were motives which did not actuate the law officers of the crown, and Mr. Drakard was tried at the assizes and found guilty. At the trial he had been charged not only by the lawyers against him, but by the judge on the bench, with partiality to France, and a desire of exalting the advantages of the government of that country, in comparison with that of England. When Mr. Drakard was brought up for judgment, therefore he produced an affidavit, containing various extracts from his paper, disproving in the most convincing manner this charge; and shewing, that so far from being actuated by any favour to the government of France, he had on many occasions written with the utmost earnestness against the mode of government which prevailed in that country. It was most extraordinary however, that these extracts, which were a complete answer to charges alledged at the trial as an aggravation of the libel, should at the time of pronouncing sentence be held out as an aggravation—and that all the advantage Mr. Drakard derived from having refuted the charge of partiality to France was, to be told that it was no excuse for a libel against the government of this country, to have libelled that of France. The sentence of Mr. Drakard was, that he should be imprisoned 18 months, fined 200*l.* and give security for his good behaviour for three years. He would not at present consider the nature of the libel, or whether the punishment was at all proportioned to the offence; but he would take in this light—was it fitting to subject one man to so very severe a punishment for an offence of which another, who had published the same libel, had been acquitted by a jury of his countrymen? The criminality of a libel, it was said, consisted in its tendency to produce a breach of the peace. One jury had pronounced that the publication in question had no such tendency,—another jury had decided that it had; but when opinions were so nearly balanced, it was too much, he thought, to inflict a punishment which would have almost been excessive, if all mankind had been agreed that the publication was really criminal. It was on this ground that he called the attention of the House to the case of Mr. Drakard.

The other case was, in his opinion, a much more grievous one. It was that of Mr. Collyer, a dyer, at Manchester, who had been surcharged for the Income tax. He appealed against this surcharge, and being put to his oath before the Commissioners, swore that his income was no more than 160*l.* whereas the charge was for 300*l.* This, however, had only been reduced to 250*l.* which Mr. Collyer, conceiving to be unjust, refused to pay. His goods had, in consequence, been distrained, and a horse and cart had been sold. Mr. Collyer found himself injured by this proceeding in two ways. In the first place, many of his neighbours began to consider him as a man in bad circumstances, and by this means his credit in trade had materially suffered: others, again, put a very injurious construction on the matter, and were disposed to consider him as a perjured man, the Commissioners having refused to believe him on oath. He therefore resolved to publish a vindication of his own conduct; but, being an illiterate man, he did not know how to draw it up, and applied to the editor of one of the Manchester papers, Mr. Cowdroy, stating the circumstances, and desiring him to make up a a statement and publish it in his paper. This was to be paid for as an advertisement: but Mr. Collyer particularly cautioned Mr. Cowdroy to avoid all libellous matter, or any thing that might bring him into difficulty. The editor promised to do this; and the paper being drawn up, Collyer, not being very capable of judging whether it contained improper matter or not, signed his name to it, paid the money, and it was inserted. Some alterations were made in it afterwards, and it was then carried by Mr. Collyer to the editor of another paper in Manchester, who also inserted it. From this it found its way into a London evening paper, the Statesman, for which the proprietor, Mr. Lovel, was now suffering imprisonment for twelve months. An information was filed against Mr. Collyer for this offence—he was convicted, and sentenced to twelve months imprisonment. The whole of the circumstances which he had stated, appeared in court as he had taken them from an affidavit which must have been read there. Suppose the defence of this man had contained offensive matter—still it might have been a question, whether he ought to be prosecuted, when it was considered that his only reason was to do away the injurious impressions among his neighbours, that he was a man in low circumstances, or that he had been guilty of perjury—but when it was found that he was really not the author of the libel; that he had even strictly cautioned the person who drew it up not to insert any libellous matter, nor do any thing against law; it was surely an extreme measure of justice to punish him with imprisonment for twelve months. He had on a former occasion stated, that at the Old Bailey, persons convicted of felonies, for which by law their lives were forfeited, were sentenced to imprisonment for one, two, or three months, and yet this man, under such circumstances, had been condemned to a year's imprisonment!

He would now, with the leave of the House, read this terrible libel, which had called down so heavy a punishment. [His lordship here read the whole of the letter so pronounced a libel, of which he conceived the only passage that could be considered approaching to a libel was, when talking of the hardship the of income-tax itself, it added, "How doubly oppressive must it be in the hands of commissioners who seem to take a pleasure in taking from the burdened and almost broken down manufacturer, more than he could spare.]"—It appeared, then, that this offence was really of so slight and trifling a nature, that it was hardly possible even to be angry at it. The Commissioners themselves felt no resentment for it; and so little was it thought of, that one of the persons who inserted it was a friend of the commissioners. They themselves told this man that they had no enmity towards him, that they would do every thing in their power to get him out of the scrape, but that the thing was in the hands of his Majesty's government; and yet the Attorney-General, knowing all these circumstances, on a former occasion told him (lord Folkestone) that he had the satisfaction to have prosecuted this man to conviction! He hoped one of the privy council or some person about his royal highness the Regent, would represent this case to him, when he had no doubt, from the generosity of his mind, that he would do in it what was proper. When he and others, thinking the press hardly used, and that there was even a systematic effort to subdue it, had on a former occasion thought it right to bring the subject of informations for libel before the House, he had employed a solicitor to procure him copies of the informations. The solicitor found it more convenient to apply to those who were employed for the several parties, than to get them from the office. He got them all, except the case of this man; for, finding that the copy was wanted for lord Folkestone, the attorney for the party exprsssed his fears, lest if the matter came to the Attorney General's ears, the punishment would be more severe. He did not mean to say that there was any foundation for this fear; but this shewed the state of intimidation in which the press was placed. By the negligence of the solicitors, the instructions had not been delivered to the counsel till a few minutes before Collyer was brought up for judgment. The counsel therefore applied to the Attorney General to have the matter put off, when the Attorney General asked them whether they would answer that lord Folkestone would not accuse him of not having prosecuted their client? He would ask the Attorney-General whether this was not correct? Did the Attorney-General act differently from what he otherwise would have done, on account of any thing that he (lord Folkestone) might say? The better way would be to act even upon his own notions of what was right. But he denied that he had ever blamed the Attorney-General for not prosecuting. He had only blamed him for his partiality in having prosecuted those who opposed the politics of government for smaller offences, while he suffered those who supported the politics of government to publish the grossest libels with impunity. It had been ruled by the court, that even putting a letter in the post-office containing libellous matter was a publication. What man, then, would dare to complain of the conduct of men in office even in this way, if a punishment so severe as a year's imprisonment were to be inflicted for offences so slight as that of Collyer? Was he not justified, then, in calling it a most severe and cruel punishment? The noble lord concluded by moving for copies of the informations for libel filed ex officio by the Attorney General against John Drakard and John Collyer, with copies of the record of the conviction and sentence.

The *Attorney-General* hoped, when his conduct was called in question, that the House would indulge him while he gave an account what that conduct had been. He begged the noble lord not to believe that he could have talked disrespectfully in another place of any motion made by the noble lord in that House. He might, no doubt, have expressed himself in the terms retailed to the noble lord, and, when an application for delay was moved, might, turning to those near him, have said in an under tone, "what will such a person say, if I consent to any postponement." He verily believes he had said so, and that, too, just in the way in which he had described it, and that some busy person had thought it worth his while to retail it to the noble lord. He was satisfied, however, that the noble lord was incapable of supposing that he could have been actuated in any thing he did by the conduct of the noble lord in bringing the subject under the consideration of the House, or that he could ever have allowed such a circumstance to act on him in such a way as to cause him to deviate from the line of his duty, which, he was conscious, he had never transgressed on any occasion. If the noble lord could suppose him capable of visiting the offence of any man with greater bitterness because he had communicated with the noble lord, he did him great injustice. He should feel mortified could he believe that the noble lord supposed him capable of such a violation of duty.—He then proceeded to consider the two cases brought under the notice of the House by the noble lord. First, as to the case of Drakard, the noble lord seemed to conceive that after the Hunts, the Proprietors of the Examiner, had been acquitted, he (the Attorney-General) ought to have been contented, and should have thought the cause of justice satisfied. Though there were many unexceptionable answers which might be given to this observation, there was one short one, which he thought was sufficient, and that was, that the noble lord must have been misinformed, for the two publications were not alike: Hunt's was not an exact copy of Drakard's, but there were many grossly offensive passages in Drakard's libel which had not found their way into Hunt's publication. He did not agree, however, that the acquittal of Hunt was a sufficient reason for staying the proceedings against Drakard, even had the publications been exactly the same. One would suppose, however, from the statement of the noble lord, that he (the Attorney-General) hunted down these persons from a pleasure which he took in oppressing them. If he did use the word 'pleasure' when he communicated to the noble lord the fact of Collyer's having been convicted, his using that expression did not proceed from any pleasure he felt at the circumstance itself, but, simply, from finding that he was correct in what he had stated on a former night, merely on recollection. With the sentence imposed on Drakard he had no concern. For that he could not answer; but at the same time he must say, that it could not at all be affected by the acquittal of Hunt. The court of King's Bench had to look to all the circumstances of the libel itself, and to apportion the punishment to the enormity of it, without regard to any extraneous circumstances. They were to say, what was a just punishment for the libel as it appeared before them. This they had done, and the noble lord had not thought proper to enter into an investigation of the libel, for the purpose of shewing that the punishment was disproportionate to the offence. He now came to the case of Collyer; and here the House would please to consider who the persons were, against whom the libel was published. They were gentlemen who undertook a laborious and invidious office for the sake of the public, and if they were not to be protected against calumny in the exercise of their duty, the office must remain unexecuted. He did assure the noble lord, that never in any case had more pains been taken to ascertain what were its real merits, than he had taken in this very case. He had not confined his inquiries to the consideration of the libel, but he had also exerted himself to ascertain if Collyer had any real ground of complaint. Though that would not have operated as an excuse, still he had satisfied himself on this head before he filed an information against him. The libel did not, in fact, apply to an appeal on oath made by Collyer at the time, but he had gone on withholding part of his income for five years. So far, too, from the Commissioners being satisfied without prosecuting Collyer, it was only on a complaint from them that they could not go on in their office, if the matter was allowed to pass, that he was prosecuted. The two printers were first prosecuted, and the Commissioners agreed to wave the prosecution against them, if the author was given up. This he (the Attorney-General) disapproved of, thinking the printer or publisher often as mischievous a character as the author; but he did not think himself warranted in refusing to accede after such an agreement had been made. So far, therefore, from originating with him, the prosecution against Collyer had been undertaken at the express desire of the Commissioners themselves. It was to be observed, however, that after the libel in question had been printed by Cowdroy, Collyer himself took it, and paid 15*s.* for giving it still farther publicity. That these circumstances must have had some effect with the court, no man could deny. It was impossible for any dispassionate man to look at the publication, and not to see that it imputed to the Commissioners, that they acted from corrupt motives, or from the very worst of passions. These being the circumstances of the two cases, alluded to by the noble lord, he submitted to the House, that there could be no ground for imputing any thing improper to him; certainly there was nothing improper in the court who had pronounced the sentences in question.

Mr. *Whitbread* begged to say a few words, not respecting any thing improper on the part of the hon. and learned gent. who, he had no doubt, had acted most fairly and constitutionally, but simply to make a general observation, that he had remarked for some time, that the punishments inflicted on offences of this kind were most exceedingly severe. He had occasion some considerable time ago to present a Petition on the part of White and Hart, whose period of imprisonment was now nearly expired. There the imprisonment was for three years; a punishment infinitely beyond what could be supposed adequate to any offence of the kind. He had since heard of another charge of a similar kind, against White, for a libel inserted in his paper at a time when he could have no inspection of it; but he hoped, after so long an imprisonment, it would not be persevered in.—As to the case of Drakard, he could not judge, not having read the publication, but after one person had been acquitted for a similar publication, he could not but think the punishment allotted to it was severe indeed.—As to Collyer, it was admitted that he was an illiterate man, and that supposing himself injured, he, in a state of irritation, employed another person to write out a statement of his case, desiring him at the same time to guard against every thing libellous. He agreed with the Attorney General in thinking that the person who composed the libel was the more proper object of punishment. He thought that the commissioners might have been satisfied with conviction merely, without sentence; but if sentence was necessary, he was decidedly of opinion that twelve months imprisonment for an offence of the kind was such an excess of punishment, that it ought to be mitigated in that quarter alone from whence mercy could now flow:—an exercise of the prerogative which, he was convinced, would give satisfaction to the public, and to the Attorney-General himself.

The *Chancellor of the Exchequer* said, if in the case of the libel published by Drakard, one jury had acquitted and another had convicted, it was for the judges, when called on to pronounce sentence on the person convicted, to satisfy their own minds which of the two verdicts had been founded on mistake, and to pass a mild or severe sentence accordingly. If the noble lord contended that the court had erred in their judgment on this point, why had he not given the publication to the House. The fact however was, that the publication for which a verdict of acquittal had been obtained, was not a copy of the whole of the publication which another jury had declared to be a libel. As to any application at the fountain of mercy, in the case of Collyer, he begged the House to consider what was the nature of that case. It did not depend on the particular words of the publication, but on the mischief likely to be produced by it, and the effect it was calculated to produce on the minds of those against whom it was addressed. It was to be considered that they were persons who served without reward, and that they lived in a populous neighbourhood, whose indignation against them such a publication as the present was peculiarly calculated to excite, they being here held up as persons who felt delight in oppression. The court could not but have had these circumstances in view, and influenced by all the merciful considerations which ought to govern their minds, corrected, however, by a regard to what the public service required, they had passed the sentence now complained of. He must therefore oppose the motion.

Mr. *W. Smith,* though he did not think that the question was without its difficulties, yet was of opinion that sufficient ground had been laid for the production of the required informations. He admitted that it was necessary support those who undertook the duty gratuitously discharged by the commissioners, and that if any man libelled those commissioners, he ought to be brought to justice: but he contended against carrying this principle to such a violent extent as that to which it seemed to have been carried in the case under consideration. To consent to the motion would certainly be to imply that the House of Commons thought there had been some harshness in the administration of justice; but as he did not conceive that such an implication would be as detrimental to the public interests, as a refusal to inquire into the subject, he should support the noble lord's motion.

Mr. *Lockhart* was surprised that the premises of the hon. gentleman should have led him to such a conclusion. The hon. gentleman allowed that such public officers as the commissioners alluded to, ought to be protected in the discharge of their duty. Now, it was impossible that Mr. Collyer could have made a worse charge against the commissioners than that which he had done, except indeed he had accused them of corruption. He had charged them with taking a malignant pleasure in oppressing the manufacturers, already half borne down by the various evils which they were enduring. He could not conceive a more serious imputation than this; nor one which more distinctly required the interposition of the law. The hon. gentleman allowed that if the motion were carried, it would imply an imputation on the court of King's Bench. Unquestionably it would do so, more especially when coupled with some of the observations which had been made in the course of the debate; and he should therefore oppose it. He never had been a friend to severe punishments; but he confessed that having attentively considered the various punishments for libel, which had been inflicted by the Court of King's bench during the last twenty or thirty years, he did not see that they had departed in the cases before the House, from the sound discretion which they appeared uniformly to exercise in such cases. If Mr. Collyer were entitled to lenity, that was a consideration which ought to arise elsewhere. It ought not to originate in that House, as it would throw a slur on the administration of justice, which, he believed, was perfectly improper.

After a short reply from lord Folkestone, the motion was negatived without a division.

HOUSE OF LORDS.

Thursday, June 13.

Some conversation took place on a notice given by the earl of Radnor, of a motion for some proceeding to be adopted by the House, in consequence of an indictment against a noble peer for a capital charge. Lord Ellenborough observed upon the difficulty in this case, a peer and another individual being included in the same indictment; if, therefore, the indictment was removed into that House by *certiorari,* he did not see how the inferior court could then try the other individual. The earl of Radnor said he had framed his motion for the purpose of bringing into the House a copy of the indictment. Lord Ellenborough thought there was no precedent for this. After some further conversation it was agreed that the earl of Radnor's notice should stand for Tuesday.

INSOLVENT DEBTORS' BILL.] Their lordships having proceeded to the consideration of the report of this Bill,

Lord *Ellenborough* expressed his decided disapprobation of the Bill, as then before the House. He had uniformly understood the Bill to be brought in as a temporary insolvent act, on the withdrawing of his noble friend's general and comprehensive bill, and that it was to have been exactly similar to the act of last year. This he feared was not the case. There were considerable variations; and the sum was extended from 2,000*l.* to which it was limited in the last act, to the immense sum of 5,000*l.*

This he did not expect. He disapproved of frequent recurrences to bills of insolvency, which not a little encouraged improvident expenditure, led to fraudulent practices, and too frequently were productive of injurious consequences to the honest and unsuspecting creditor. He was aware, from the nature of the business which came judicially before him in another place, that measures of the kind led to many and extensive fraudulent practices. The number of cases respecting promissory notes, bills of exchange, and negociable securities, was almost incredible; and many of those had their rise from the frequency of such measures. Alive as he was to the calls of true humanity, he could not avoid saying, that for one unfeeling or vexatious creditor there were ten unworthy debtors. He did not expect to see the Bill, after what had passed, so different from that of last year; and he understood the noble ear to have reduced the sum to 3,000*l.*

The Earl of *Moira* could not answer exactly for what the noble lord had understood upon the point; but on that head he had more than once pointedly declared his intention. He should not support a temporary insolvent bill, except it were on an ampler scale than the last one. He was adverse to the principle of these temporary and palliative measures. He differed from the noble and learned lord as to the principles he seemed to entertain respecting imprisonment for debt, and there were provisions in the Bill of last year which he never could agree to. The grounds on which he always advocated the cause of debtors, and strove for the melioration of the laws with respect to them, were, abstracted from feelings and considerations of humanity, consonant to the clear and incontrovertible principles of justice.

Lord *Ellenborough* contended, that the ends of justice would be best consulted by adhering to the law as it now stood. His experience and observation enabled him to state, that there were twenty fraudulent debtors where there was one vexatious and unmerciful creditor; and every attention should be paid to the claims of the creditor, who had generally run great risks, and who might be wholly ruined, if all hold on the debtor were to be taken from him.

The *Lord Chancellor* declared that he had given the utmost attention to bills of this nature; and though he was ready to admit that a great mass of evil existed in this respect, yet he did not believe that it would in the least be alleviated by bills of the present description.

The House then divided on the clause, whether the sum should be 3,000*l.* or 5000*l.* when the numbers were in favour of the latter. Contents 6; Non Contents 4; majority 2. After some further discussion the other clauses of the Bill were agreed to.

HOUSE OF COMMONS.

Thursday, June 13.

Report on the Petitions from the distressed Manufacturers of Manchester and Bolton.] Mr. Stanley reported from the Committee to whom the Petition of several thousand manufacturers and artizans in the town of Manchester and neighbourhood; and also the Petition of several weavers and spinners of cotton, handicrafts artists and labourers, resident in the town of Bolton, in the county of Lancaster, or its vicinity, were referred: to examine the matter thereof, and report the same, with their observations thereupon, to the House: and to whom the petitions of persons residing in the town of Paisley and suburbs thereof; and of heritors, manufacturers, merchants, mechanics, and labourers of all denominations, residing in Lanark, Ayr, and Renfrew shires, and the manufacturing places adjacent, were referred; that they had examined the matters of the said petitions, and had directed him to make a report thereof to the House; and the report was read, and is as follows:

REPORT

On Petition of Several Weavers, &c.

The Committee to whom the Petition of several thousand manufacturers and artizans in the town of Manchester and neighbourhood; and also, the Petition of several weavers and spinners of cotton, handicrafts, artists and labourers, resident in the town of Bolton, in the county of Lancaster, or its vicinity, were referred, to examine the matter thereof, and report the same, with their observations thereupon, to the House;—and to whom the Petitions of persons residing in the town of Paisley and suburbs thereof; and of heritors, manufacturers, merchants, mechanics, and labourers of all denominations, residing in Lancaster, Ayr, and

Renfrew shires, and the manufacturing places adjacent,—were referred;—

Have carefully and maturely examined the various suggestions submitted to their consideration; all of which appear to your Committee, to be exposed to insuperable objections; some, as being of a nature too important and too extensive to fall within the limits of enquiry, which the Committee thought it their duty to prescribe to themselves; others, as calculated either to restrict the number of hands when manufactures are flourishing; to confine workmen to a trade in which, by a change of circumstances they may be no longer able to find employ; to arrest the progress of improvement, and of facilities for abridging labour, on grounds which, at former periods, must have been equally strong against the introduction of the loom itself; and to infringe on personal liberty, in that most essential point, the free exercise of industry, of skill, and of talent:—and have especially considered the expedient suggested to them, of administering pecuniary aid out of the public revenue.

"While your Committee fully acknowledge, and most deeply lament the great distress of numbers of persons engaged in the cotton manufacture, in various trades connected with it, arising from circumstances which have caused the sale of cotton goods to decline, and consequently the demand for labour in these trades, and in that manufacture, to be reduced;—they are of opinion, that no interference of the legislature with the freedom of trade, or with the perfect liberty of every individual to dispose of his time and of his labour, in the way and on the terms which he may judge most conducive to his own interest, can take place, without violating general principles of the first importance to the prosperity and happiness of the community; without establishing the most pernicious precedent, or even without aggravating, after a very short time, the pressure of the general distress, and imposing obstacles against that distress being ever removed: or, if the interference were extended to all trades and occupations, as it manifestly must be, when the system has been acted on in any, without producing great public mischief, and being destructive of the happiness and comfort of individuals.

"But above all, your Committee are most decidedly of opinion, that grants of pecuniary aid, to any particular class of persons suffering under temporary distress, would be utterly inefficacious as to every good purpose, and most objectionable in all points of view; particularly as they could not fail of exciting expectations unbounded in extent, incapable of being realized, and most likely to destroy the equilibrium of labour and of employment, in the various branches of manufacture, of commerce, and of agriculture."

ADMINISTRATION OF JUSTICE IN TRINIDAD.] Mr. *Marryatt* rose to bring forward his motion respecting the introduction of the British Constitution, and of British laws into the Island of Trinidad. The hon. and learned gentleman trusted, that he was actuated by no other principle than that of public duty in appealing to a British House of Commons on behalf of the subjects of Great Britain residing in Trinidad. He conceived it to be highly necessary to call the attention of the House to the subject, as the noble lord at the head of the colonial department had stated it to be the intention of his Majesty's ministers to continue the same form of despotic government which had so long disgraced the island. The hon. and learned gentleman then went into a history of the island from the year 1780, down to 1797, when it was captured by the expedition sent out from this country, under the command of sir Ralph Abercromby, who, in taking possession of it in the name and on the behalf of his Majesty, secured to the Spanish inhabitants their property and lives, but made no alteration in respect to the laws of the island. Thus things continued till governor Picton was appointed, who, to obviate the tediousness of some of their processes, which lasted as long as our Chancery suits, issued ordinances which provided for the decision of cases relating to property in a summary way. In 1802 the island was ceded to Great Britain, and the influx of British subjects was unusually great. The intercourse between the inhabitants and British merchants of course increased. At that time many discussions arose between governor Picton and colonel Fullarton, one of the council, which ended in their being recalled, and general Hislop was appointed to fill the office of governor. Some alterations were made by him to remedy the complaints on the subject of law proceedings, which were not satisfactory to some of the law officers: and it was in 1808 that ministers judged it necessary to send out Mr. George Smith, a barrister, to hold the offices of Corridor, Alcalde, &c. Commissioners had been previously sent out, and the inhabitants petitioned for British laws, which was followed up last year by petitions from all the commercial towns in this kingdom in their favour. Mr. Smith was accordingly sent out to fill all the judicial situations he had enumerated, for which he was fitted by being taken into the office of the noble colonial secretary, who, with a touch of his magical wand, like the metamorphosis of Ovid, transformed the barrister into a Corridor, an Alcalde, and a supreme judge of the Audiencia. By the laws of the country, a disqualification is imposed upon any man accepting the office of judge, who had not studied the laws for ten years; and by the Spanish laws, if he shall hold more than one judicial office, he shall also be disqualified, and pay a fine of 10,000 maravedas. Notwithstanding this, Mr. Smith decided in the lower courts, then went and sat in the higher court of Audiencia, dressed not as in the inferior courts, in a plain dress, but in a superb Spanish dress. Therefore all the salutary checks which the laws imposed were done away, the offices being united in the person of Mr. Smith. One of the great sources of discontent was the docket fees paid to Mr. Smith in the lower courts, which Mr. Smith had to decide in the Appeal court, and he took care to decide in his own favour, decreeing, that for every witness examined, a fee of 22 dollars, or *5l.* 10*s.* sterling, should be paid. At length Mr. Smith, finding the business of the courts too much for him, sent down to the Carraccas for advice, and the consequence was, that two Spanish advocates were sent over to assist him; and at present three persons were paid for doing what more properly belonged to one. Among the numerous causes for complaint, was that relative to the imprisonment of the printer of a newspaper, for inserting an advertisement without the authority of the judges, there being no such thing in the laws of Spain as Liberty of the Press. The printer was immured in a loathsome dungeon for two months, and at length liberated upon the interference of the governor. While offences of this description were punished, the most notorious malefactors escaped; because by the laws of Spain, no man convicted of a crime punishable with death can be executed, unless he confess his crime, and the torture not being in use, it is not to be supposed a man would hang himself. Such was the state of the criminal laws; and even a person charged with a murder, who had fled to this country, and was sent back by government, remained untried. The laws of Spain were particularly objectionable to British subjects, for by those laws the evidence of a negro or man of colour could not be received against a white person. Not so in England: all were alike subject to the laws. Some of these laws were singularly hard. If a negro, or man of colour, was found cohabiting with an Indian woman, he was subject to receive the punishment of 100 lashes. If he lifted his hand against a white man, that hand was cut off. The hon. and learned gentleman then made several references to the laws, and stated that he could prove the hardships under which the inhabitants laboured from their operation. In one case a French surgeon, who was also a planter, was charged with the murder of his negro slave. It seemed the slave had absconded. By the Spanish laws, if a slave absent himself from his master's service for more than four days, he subjects himself to the punishment of 80 lashes; so on in gradation to 200 lashes, for two months absence; but if he be absent upwards of six months, then the crime was commuted to the punishment of death. This French doctor's slave was absent two months. At length he was caught, and his master had him tied up to the stake and flogged. When he had received the 200 lashes, the French doctor went to his breakfast, leaving him tied up. On his return from breakfast the man was dead at the stake! For this murder he was tried. On the trial it was contended by the Attorney General, that the prisoner was subject to British laws. The counsel for the prisoner contended on the contrary, and he was acquitted. There was another case of wanton cruelty. Some officers of the militia having been out to dinner, and heated with wine, on returning passed an Indian hut, when they heard the voice of mirth; upon going in they found some negroes visiting: this was after sunset and against the Spanish laws: the officers immediately drew their sabres and swords and began to cut and hack the poor unoffending creatures. One of the men's hands was cut off, and some women and children materially hurt. The officers were afterwards tried, and Mr. Smith, the judge, decided that as the negroes were off their master's estate after sun-set, the prisoners could not be found guilty under the Spanish laws. They were accordingly acquitted.—The hon. and learned gentleman then noticed the great delay in the civil courts, and said, that he understood the Attorney and the Solicitor general proposed some alteration in the debtor and creditor laws of the island, in order to do away the hardship. He instanced a case, Dawson and Taddy, the former a resident of Liverpool, and the latter an islander, in which the process had been carried on for 18 years. The papers relating to them were more than the largest cart could carry. At length the fire, which had nearly consumed the island, burnt those voluminous papers, and Mr. Dawson having had enough of lawyers' bills did not chuse to carry on the suite any longer, and gave up his claim.—He then referred to the letter of the noble Secretary of State, upon which he commented at some length; contending that as all the other islands belonging to the cluster, of which Trinidad was one, enjoyed British laws, he thought it a measure of injustice in the government to deny that island the benefits arising therefrom. The denial would have the effect of exciting jealousies, and might be productive of injurious consequences. He pointed the attention of the House to the serious evils which had occurred at Botany Bay, from a despotic form of government, and alluded to Jamaica, which originally, when it came into the possession of the crown of England, was subject to the same laws as Trinidad: governor after governor was sent out, but without any effect. The inhabitants smarted under the laws of Spain; and it was not until they received the British laws and the British constitution, that they were quieted.—After a variety of observations to shew the advantages which would result to the island of Trinidad from the introduction of British laws, the hon. and learned gent. moved the following Resolution: "That it is expedient, for the better security of the liberty and property of his Majesty's subjects in the island of Trinidad, that the administration of justice according to the laws of Spain be discontinued in that colony; and that British courts of judicature, for the administration of justice according to the laws of Great Britain, be established therein."

Mr. *Brougham* said, that when he heard the reasons assigned for this motion, that the British constitution and laws were established in other West India colonies, that Ceylon was a conquered but not a ceded island; that a free person of colour by the English law was a competent witness; had no hesitation in declaring that it ought to be rejected, even without hearing the opinions of others of more knowledge, which he should have otherwise been inclined to have heard in the first place. Without presuming to follow his hon. and learned friend through every part of his speech, he would offer a few remarks to shew the little foundation there was for the clamour that had been raised for the British laws and constitution.

His hon. and learned friend had first remarked upon the appointment of Mr. Smith, and upon the singular process in Downing-street, for converting any lawyer caught up in Westminster-hall into a gentleman learned in the laws of Spain, though he knew nothing of the law nor the language. But it was at least as ingenious a process by which his hon. and learned friend himself had, all at once, become so eminent a Spanish lawyer, as to speak of the most intricate points of the law with as much decision as if he had been an experienced Spanish alcalde. That one person should be the original judge, and also the judge of appeal, was, when boldly stated, inconsistent. But how stood the fact? No criminal sentence by the Spanish law was valid till confirmed by the Audiencia of the Carraccas. This had become impossible to be got at, and it was absolutely necessary to supply the defect; and for this purpose these appointments had been united in Mr. Smith. To one of the situations, however, he had appointed a deputy, so that there was none of that inconsistency upon which his hon. and learned friend had dwelt. But, admitting that he actually exercised the functions of an original judge, and of a judge of appeal, what was that more than a revision or re-hearing—a thing to which they were accustomed every day in this country. In the county palatine of Lancaster he himself had witnessed, not more than six weeks ago, an application to a judge at twelve o'clock for a new trial, upon the ground of a misdirection of his own to the jury, not two hours before. After a trial at bar the application for a new trial was to the same judges, and his hon. and learned friend could not but be aware that the appeals from Chancery to the House of Lords were decided by the lord chancellor, the same judge who decided the causes originally.

The hon. and learned gentlemen next defended the conduct of Mr. Smith, who was a man of great talents and humanity, towards those persons against whom this motion was directed. Mr. Smith's conduct had been impeached, but the only instances in which it had been blamed consisted in the execution of those very laws which he had been appointed strictly to administer.—He next argued that the ordinance of 1789 was unquestionably a part of the Spanish law. It was an order of the King, conceived in the most distinct terms, and commanding the very council by which it was said it ought to be confirmed, to consider it as law, and administer it accordingly. It had been called by Mr. Smith an almost divine ordinance, and, comparatively speaking, it was so, for it afforded much greater protection to the slaves than any law of ours. The master and steward only were permitted to inflict a few lashes, not the driver; and they were inflicted too only by way of punishment, and not to quicken the negroes hands by the effusion of his blood, as in our other West India colonies, where the British constitution and laws were not established as in this country.

Another regulation in this ordinance, was, that no one but the master or his steward should be entitled to execute the sentence. Not even in the presence of the master could any beyond a certain number of lashes be imposed; and even the degree of force was limited. No contusion or effusion of blood was tolerated; if any such took place, that was esteemed a misdemeanour; and if repeated, the slave was taken from under the controul and protection of his master. Such was the ordinance to which Mr. Smith applied the epithet of an almost divine code. He (Mr. Brougham) had only one objection to it, it was too mild—too near perfection—he was afraid it was scarcely human—and he doubted if it was in human nature always to stop short in punishment, so as to avoid even a contusion. It was enough for his argument, however, and it went to tear up by the roots the argument of his hon. and learned friend. This being the state of the law in the Spanish colonies, it was now proposed to change this law, and to introduce a different system, by which a brother slave was to scourge his fellow, and to give him any number of lashes not exceeding two hundred. There was one case mentioned in the papers before the House, at the very idea of which every person must recoil, and must shudder to think that he belonged to the same race with the being who inflicted the punishment; not only was he not the master or the driver, but he was the brother to the unfortunate victim! Was it for this that the House were called on to give up the Schedula which Mr. Smith admired? Were they to depart from this model of perfection, and in its place to adopt that under which Mr. Huggins scourged to death this miserable being, and was acquitted on evidence which could not have proved satisfactory to any but to the twelve slave drivers by whom he was tried and was acquitted. When we talked of English law, we talked of it by reference to English judges, to English juries, and to English feeling and principles. He could not allow this man who could inflict such a punishment to be an Englishman. It was a mockery to talk of transplanting the English law to the West Indies when only the name was carried thither, and all the true English feeling was left behind. Then the law of England served only as the engine of fraud and oppression, rendered doubly disgraceful, because carried on under the pretence of law and justice. This was under the pretence of justice to the whites, to load the other miserable wretches with oppression unbounded. His hon. and learned friend talked as if men of colour were allowed to be witnesses in our West India colonies. His hon. and learned friend might by some of those magical changes of which he himself talked, have become a Spanish lawyer, but he could tell him he was mistaken as to the law of evidence in the British colonies. If the law in this respect were to be judged of from the way in which it existed in Jamaica, in Barbadoes, &c. he could tell his hon. and learned friend, that there men of colour were not admitted as witnesses. The proposition of his hon. and learned friend went really to this—to substitute oppression and injustice for benevolence. The British constitution was to be found in no other part of the world but in this country. His hon. and learned friend seemed to think that it was to be found in greater perfection in the island of Jamaica because the House of Assembly had no need of reform. It might, indeed, be better for the purposes of individuals, and let those who preferred such a system enjoy it. For his part, he could not conceive that to be the best system by which privileges were secured to a few who were allowed to lord it over all the others. His hon. and learned friend said that there were scarcely any free people of colour in Trinidad. In 1805, however, it appeared that there were of this description 5,275, being in a proportion of five to two of the white population; and in 1808, they had increased to 6,478. He proceeded to notice the Memorial presented to the governor of Trinidad by this description of the inhabitants, which was peculiarly touching, from the humble, gentle, and subdued nature of the language in which it was conceived, so different from the style of other persons of a similiar description in other colonies. Those were the persons, however, whom it was sought, under pretence of giving them British laws, to deprive of those privileges and that constitution which they now enjoyed. One word as to the nature of the trial which his hon. and learned friend wished to give to the unfortunate negroes in this settlement. The jury, as he proposed it, must consist of twelve white planters, interested in the slave trade. This was a tribunal similar to that which acquitted Huggins, and before which his honourable and learned friend wished the House to send every other person who was to be tried for any offence, real or supposed. To call this a trial by jury, was neither more nor less than a mockery.—The hon. and learned gentleman proceeded to shew the absurdity of that House, under the assumption that such and such was the law of Spain, and without any possibility of knowing whether such was the law of Spain or not taking on themselves at once to repeal it, and to substitute in its place what might be utterly inapplicable, and infinitely worse than the law which they repealed. That the law of Spain was not known in this country, the court of King's bench had fully shewn, by referring for farther inquiry, the simple point, whether the law of old Spain recognised torture. Surely then, that House could not be supposed to be better informed on such a subject than the judges of the court of king's bench.—This led him, in the last place, to remark that this very uncertainty afforded the strongest reason why the House should not proceed rashly, or without due consideration and deliberation. He hoped before many months elapsed, that the subject would be considered in its proper place; and it could not, to his mind, be taken up in a more proper manner than in the spirit which marked the greater part of lord Liverpool's letter. Let that spirit, and not the letter of English jurisprudence, be in the minds of ministers when they went to the consideration of this subject, and let them act accordingly. He gave them credit for what they had already done; and had no hesitation in opposing the present motion.

Mr. *Stephen,* notwithstanding the satisfactory answer which the proposition of the hon. and learned mover had received from his hon. and learned friend who had just sat down, found it necessary to go somewhat into the question. He objected to the time and manner in which the question was brought forward. Not a single complaint had been made, but the system had been acted on by all concerned; and though the hon. and learned mover, who was the agent for the colony, had been in possession of the circumstances now stated by him for months, he now brought them forward when probably there was not another business day remaining of the session. The hon. mover desired of the House to take all upon trust. He did not even tell them to what extent or under what limitations he wished his proposition to be adopted. In the colonies there were infinite and important varieties in the legal proceedings. He did not tell them whether he wished for the British constitution as in force in Jamaica, in St. Kitts, or in Barbadoes. He first wished to disarm the government of all powers in relation to the management of the island, and then to leave it to the Regent to exercise his discretion.—He had for twenty-five years been acquainted with the West-Indies, but he had heard things to night concerning evidence received in those Islands, of which, till now, he had been ignorant. The hon. mover had said, that ministers were determined to govern this island by an arbitrary system. This he denied. They had not, indeed, determined that it should be governed on the same system with the other West India islands, but that any alterations in its existing law should be made gradually, and that they should be such as the colony was capable of receiving. What his hon. friend, on the other hand, proposed, was, that the House should accede to the wishes of 517 white inhabitants in opposition to the wishes of a population of 22,000. There certainly was no application before the House on the part of the people of colour; but how did this happen? Finding that a canvass was going on among the white inhabitants, as to the nature of the constitution for which they should petition, the people of colour presented a memorial to governor Hislop, who was the head of the faction on behalf of whom his hon. friend now applied, praying that they, too, might have liberty to approach his majesty, and to inform him that he had other subjects in the island of Trinidad besides the white inhabitants. This right, however, though requested in the most submissive terms, the governor dared to refuse to the people of colour, and such was the awe in which they stood of the formidable oligarchy of the island, that they did not presume farther to complain.—To prove the hardships under which the people of colour laboured, and that sound policy called for an alteration of the system, which was less oppressive in the Spanish and Portuguese islands than in any other, the hon. and learned gentleman proceeded to read extracts from several authors on the subject. The Spanish law was the law of the island at the time of the capture, and its continuance was guaranteed to the inhabitants. The present was an attempt to take the management of the island from under the observation of the legislature of this country, that the planters might be enabled to carry on the slave trade with impunity. This was what the House would not countenance, notwithstanding the statement of his hon. friend.—He proceeded to state that the printer alluded to, and who was said to have been sent to a dungeon, had been guilty of exciting mutiny; and that the faction of whom he had already spoken, finding that they could not overcome the constancy of the chief judge in his resolution to do his duty, took on themselves to seize on the sovereign authority, and to abrogate the judge's office, in consequence of which he was now on his way to this country, where he hoped he would soon have an opportunity of meeting his enemies in a court of justice. The Spanish Schedula, to which reference had been made, he had no hesitation in declaring, had received the sanction of the Audiencia of the Caraccas, a copy of it having been transmitted from the Caraccas to Mr. Smith, and he himself (Mr. Stephen), having also obtained a copy from Porto Rico. It was to be observed, that the persons on whose account the present proposition was made, were careful to provide, that, so far as property was concerned, the Spanish laws were still to prevail, the measure in this respect being wished only to be prospective. Highly as these gentlemen valued the beauty of the English constitution, and much as they wished it to be introduced into the island of Trinidad, they seemed to agree that those blessings would be too dearly purchased at the expence of their being compelled to pay their debts.

Lord *Castlereagh* entered into a history of the proceedings of government on the cession of the island of Trinidad, and explained and defended the policy of the arrangements then made. He spoke in terms of the highest praise of the character of Mr. Smith, who had been sent out to administer the Spanish law in the spirit of English justice and mercy. He approved of the course which had been pursued by his Majesty's present ministers with respect to Trinidad, and thought it would be improper to give power to persons who would be likely to wield it against each other. Though he hoped scenes like those which had been witnessed would never return, yet in his opinion it would be rash to suppose the embers of passion were wholly extinguished, and that every feeling of jealousy was already no more.

Mr. *Baring* was in favour of the motion. He thought the great desideratum was, that there should be a settled system of laws for the island, and that it was not so material a question whether those laws were Spanish or British. He thought that the hon. gent. who had brought forward the motion was entitled to the thanks of the House.

Mr. *Barham*, though he by no means approved of all the arguments advanced by gentlemen opposite, was against the motion. He thought the measure proposed would be productive of evils of considerable magnitude, while that benefits of equal importance would result from it, was by no means clear. With respect to the treatment of slaves in the English colonies, as compared with what they experienced in the colonies of Spain, he would state one fact which he knew to be true; and which he would challenge any gentleman to contradict. In Jamaica, it was considered the greatest punishment short of death that could be inflicted for a crime on a slave, to take him from our severity, and send him to the comparatively mild state of slavery which it had been stated existed in the Spanish colonies.

Mr. *Canning* was desirous of refraining from any expression of his opinion on this occasion, from a cause that was generally understood; but, at the same time, he felt it to be of so much importance that this question should be set at rest in Trinidad, that, he trusted, he should be excused for making a few observations. When the hon. gentleman said that the inhabitants of that island were earnestly desirous of the whole of the British constitution, but that they would be content with a part, and would also willingly relinquish their claim of an assembly, provided they were permitted to have a council, he could not perceive with what part of the British constitution they were enamoured. When they declared their wishes for a council, consisting of persons nominated and removable by the crown, it appeared to him that their only object was to prevent the legislature at home from exercising any controul over, or interference with, their proceedings. This was evidently the express purpose they had in contemplation, and on this express ground it was that he would resist the application. He wished to see at least one colony dependant on the legislation of the empire. In support of the application, no implied hope or engagement could be adduced. It seemed to have been the original design and purpose of the British government to make a new experiment in the island of Trinidad, and to enquire, previous to the happy abolition of the slave trade, into the practicability of preserving it free from that pollution, in order to furnish the means of a practical examination of the advantages of the plan. The colony was therefore an exception to all the principles on which the constitution of the other islands was founded. The hon. gentleman had ingeniously said, will you, when you have admitted every other member of the colonial family into a participation of your constitution, reject and banish Trinidad alone? Is Trinidad alone to be treated as an illegitimate and abortive offspring? But he must remark, that Trinidad, when received into this family, was admitted upon a clear understanding, and was perfectly apprised of the conditions of that reception. So little acquainted with Spanish laws as the House appeared to be, he thought it would be a most precipitate conduct if they were at once to abrogate them in a society like that of which a West India island was composed. There was one law in that code which for humanity toward the slaves, and feeling for their security as well as instruction, it was well known was quite unimitated by any provisions of our own colonial legislatures. It would not however, be by any means impossible or difficult to appoint a committee to revise the Spanish laws, and expunge such particulars as might seem flagrantly irreconcilable with the universal principles of British legislation. This he confessed was the whole extent to which he could permit himself to go. Upon the fullest consideration which he had been able to pay to the question, he felt in the highest degree averse to add Trinidad to the number of those islands where the introduction of every plan for ameliorating the condition of the slaves was uniformly opposed.

Mr. *Manning* said a few words in support of the motion.

Mr. *Wilberforce* enforced many of the arguments of the preceding speakers, and dwelt strongly on the advantages of religious instruction on the minds of the slave population in the West India islands. He complained of the assembly of Jamaica, who, he stated, interdicted and punished the Methodist missionaries, and concluded by praising the talents and exertions of Mr. Smith, and commending the zeal and attention of ministers to the abolition of the slave trade.

Mr. *W. Smith* observed, that Great Britain, though unwilling to deprive boroughs of their charters, sometimes found it necessary to resort to that measure. Why should not the island of Nevis, for instance, not be deprived of its charter as well as a borough in the county of Sussex.

Mr. *Marryatt*, in reply, defended the conduct of West Indian juries. In the island in which he had resided ten years, he had been concerned only in three actions, and two of those actions were brought by himself, one against the governor, and the other against the chief justice of the island, and to the honour of West Indian juries he had obtained, in both cases, verdicts in his favour. At present in Trinidad, small causes were decided speedily enough; but of 1,200 causes of importance not 20 had been tried by judge Smith. The sums at issue were placed in the hands of a depository, and could never be got out again. Of one cause in particular out of so large a sum as 200,000*l.* not above 4,000*l.* could be recovered.

The question was then put, and negatived without a division.

EXCHANGE OF PRISONERS OF WAR.] Mr. *Brand* rose to call the attention of the House to the negociation which was carried on during the course of the last summer, relative to the Exchange of Prisoners between this country and France. This negotiation was unsuccessful; but the cause was never explained by ministers to the country. As far as he had been able to inform himself, however, the proposals of this country were just, fair, and honourable. The French had circulated statements, accusing the British Government of insincerity; and when the character of the country was at stake, however much he might differ on some points with the ministry, no man could be more anxious than himself to justify the conduct of the country compared with that of external powers. In his opinion the proposals of France were as unfair as the proposals of this country were the reverse. He was willing to allow that the British should be exchanged against the French, and that the supernumerary French should be exchanged for the Portuguese and Spaniards as far as they would go, but he could not see the fairness of three Frenchmen being exchanged for one Englishman and two of our allies. He alluded to the calumnies circulated against us by the French; but the injustice of the French proposal was virtually admitted by the French themselves, in the letter of the 22d of July, when it is only justified on the principle that they had no security that even the French and English should first be exchanged against one another, that we could continue to fulfil an engagement by giving up the remaining French for our allies. Finding this ground slip under him, the French negociator complained of the ill-treatment of the prisoners here. He had inquired into this subject, and of all the prisons, Dartmoor was the most favourable for the French statement. In that prison the number of prisoners was 5,635, the number in the hospital was 82, and the deaths in 4 months amounted in all to 24. Supposing the age of the prisoners between 30 and 40, there was here even a smaller mortality, than according to the Stockholm table in Dr. Price's work. This ought more fully to be inquired into. This system of misrepresentation had been uniformly practised by the French; they had done the same thing in 1795; but by an investigation of a Committee of the House of Commons no doubt was left of the falsity of their accusation. He objected to the principle of exchanging gentlemen confined in France, not possessed of military rank, against French prisoners of rank—this was unjust while one of the brave defenders of our country, even the meanest cabin boy, should remain in France. He thought if it were wished to conciliate France, Mr. Mackenzie was not, perhaps, the proper person to send, as his former dexterity against the French Government might have rendered him obnoxious to the autocrat of France. He concluded with moving, That an Address be presented to the Prince Regent, for Copies or Extracts of the Correspondence which passed in 1810, between the French and English governments relative to the Exchange of Prisoners of War.

Mr. *Yorke* seconded the Address. He was glad of that opportunity of allowing the English government to justify itself; but he would not until the papers were before the House, enter upon the subject. He thought when the fate of the unhappy men, who had been so long detained from their families, was considered, and that we had so great a superiority of prisoners over the enemy, however unjust the principle might be, it would be advisable to procure their exchange; but this could not be done till all our military were previously exchanged. The objection against Mr. Mackenzie had never been started by the enemy, who, on the contrary received him well. The French account of the negociation was in many respects garbled. The number of French prisoners in this country exceeded 50,000; the number of British prisoners in France exceeded 10,000; the Portuguese amounted to about 12,000, and the Spaniards were nearly equal to the French in England.

The Motion was then put and agreed to.

HOUSE OF LORDS.

Friday, June 14.

ROMAN CATHOLIC PETITIONS.] Earl *Grey* expressed his regret, that in consequence of illness his noble friend (the earl of Donoughmore) was rendered unable to attend the House, to bring forward his motion on the Roman Catholic Petitions. He could take upon him to assure their lordships, that nothing but the inability on the part of his noble friend, not only to make any exertion, but even to attend the House, would have prevented him from bringing forward his motion. It would be desirable at this late period of the session, to appoint as early a day as possible, and therefore he moved to discharge the order for summoning their lordships for this day, and to renew it for Tuesday, having every reason to believe that his noble friend would on that day be able to attend.

The Earl of *Liverpool* did not rise to oppose the motion, but merely to express a hope that the discussion would not be deferred beyond Tuesday, if it was meant to bring it on at all this session, although he thought it might be postponed till the next session without the least prejudice to the question. He also wished to observe, that the Committee on the Militia Interchange Bill, which had been postponed till Monday, could not at this late period of the session be longer deferred, without great inconvenience.

Earl *Grey* said, there was every reason to believe that his noble friend would be able to attend on Tuesday, and would in that case certainly bring on the question.

HOUSE OF COMMONS.

Friday, June 14.

Address respecting Captain Manby's Life Preserver.] Mr. *Wilberforce,* pursuant to notice, called the attention of the House to captain Manby's invention for preserving seamen's lives. Captain Manby had already received a public reward for it; and animated by this, he had made various improvements in it. The whole had been tried and approved by a Committee of general officers. The invention added greatly to the utility of Mr. Greathead's life boat. Upon the whole, he thought it highly desireable that the apparatus should be established on different parts of the coast. The arrangements had better be left to the executive government, who, he hoped, would grant rewards to those who exerted themselves in preserving the lives of seamen. He himself had in vain attempted to procure a reward for some persons who had, at the risk of their lives, preserved several from wreck, and these very men afterwards refused to go out in a case of distress, because they said they had families of their own, and could not expose their lives to imminent hazard without the conviction that, in case of the worst, their families should be provided for. The expence of this would be trifling and the benefit would be great. He concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions, that such measures, as may appear expedient to his Majesty's government, may be adopted without delay for carrying into execution, on suitable parts of the sea coast of Great Britain, captain Manby's Plans for saving the Lives of Shipwrecked Mariners; and that this House will make good the expenses attending the same."

Mr. *Rose* seconded the motion; remarking particularly on the utility of the invention, as it enabled the life-boat to reach vessels in distress on many occasions when otherwise a boat could not possibly be launched.

Mr. *Bastard,* although he highly approved of the invention, yet cautioned the House, after the experience which they had already had during the present session, as in the case of Mr. Palmer, against addresses stating their disposition to make good any payments of money.

Mr. *Wilberforce* observed, that the expences in the present instance would be very small.

Sir *T. Turton* said, that the remark of his hon. friend related not to the amount, but to the motion itself. There was this difference, however, between the case to which his hon. friend alluded and that at present under consideration, namely, that in the former instance, the vote of the House was against the opinion of ministers, but that in the latter it received their sanction.

The motion was then agreed to.

Distilleries.] The House went into the further consideration of the report of the Spirits Suspension Duties Bill.

The *Chancellor of the Exchequer* stated, that it was his intention to obviate some of the objections which had been made to the Bill, by introducing a clause on the report, putting the Irish Distillers on the same footing in exporting as the English distillers, and containing several other amendments.

Mr. *W. Smith* lamented that the right hon. gentleman had not expressed his intention at a more early period, as the counsel who were about to be called in could scarcely be expected to accommodate the argument which they had prepared, to so sudden an alteration. Still, however, he bespoke the earnest attention of the House to the subject, which was one of vital importance both to the British distiller and to the general revenue.

Mr. Dauncey and Mr. Warren were then called to the bar, and heard at considerable length; the former as counsel for the English distillers, the latter as counsel for the Scotch distillers.

The counsel having concluded and withdrawn, the amendments in the Report were agreed to.

The *Chancellor of the Exchequer* then said, that he had some clauses to propose which he presumed to think would meet the whole of the objections to the Bill. He had no doubt that the great danger of frauds being committed in consequence of the intercourse, must arise in Ireland, where a duty being imposed on 100 gallons of spirits, without regard to its strength, those 100 gallons might be converted into 130 gallons, and the 100 gallons being exported to England, the 30 gallons would become a clear bonus to the exporter. When the English distillers, however, said that they would go on without any regulation rather than have the Bill now before the House, that he was aware, could only be regarded as an expression of anger, which was not to be attended to. This was a diminished evil, and it must be better to have it than an aggravated weight. He must say, in praise of the British distillers, that greater candour, greater liberality, or a greater desire to afford information, he had never found in any body of men. They, surely, however, had a great interest in suspending, as long as possible, the intercourse between the countries, and in driving parliament for some time longer to continue the prohibition. Till the introduction of these clauses, which he had now to propose, he agreed the Bill was open to objection, as it allowed the distiller of Ireland to export spirits without payment of any excise duty, or subject to any drawback except what might be supposed to be produced by the duty on malt. This, too, it was to be observed, was only an experiment, and if it should not be found to answer, it would not be carried farther, the duration of the present Bill being only for such a period after the commencement of the next session of parliament, as would allow time for reconsidering the measure. To prevent any interference between the English, Scotch, and Irish distillers, which might lead to frauds or to unjust advantages on either side, he should propose that no spirits be exported from either of the countries but through warehouses to be established in each. This was no new machinery which he wished to create. He found it in existence, and wished to apply it to the particular case under consideration. He agreed that it was wrong that the trade in Ireland should go on for home consumption, and for warehousing for exportation at the same time. This, he was aware, could not long be suffered. The permit he should propose should specify not only the quantity, but the strength of the spirit, and if any fraud should be committed in mixing any such spirits, that then it should be forfeited. He then moved three several clauses, declaring, first, that no spirits should be warehoused in Ireland for exportation, unless where the strength was specified; second, that no spirits should be delivered for exportation, unless where the strength was specified: and thirdly, that distillers of spirits in England for exportation to Ireland, do distil their spirits under the same regulations as are provided by the acts of the 28th and 45th of the King.

The two first clauses were brought up and agreed to. On the third clause being put,

Mr. *W. Smith* could not conceive on what principle the House were to agree to such a clause as the present. He could not attribute it to any wish on the part of the right hon. gent. to encourage injustice, but must lay it to the account merely of inadvertency. The right hon. gent. he had no doubt had adopted it as a shadow of reciprocity of rights between this country and Ireland, founded on the act of the 45th of the king, chap. 100. He wished the House only to attend to this one fact. The Bill in question was to expire three months after the meeting of the next session of parliament, and, by the way in which the clause in question was framed the English distiller could not avail himself of the privilege allowed him till October in the next year after the passing of the act, and by which time, of course, the act must have expired. By what name was he to call this! Was it a nullity? Was it an insult? Or was it merely an inadvertency on the part of the right hon. gent.? If he did not agree that it was an inadvertency, then could it be nothing but an insult. The clear import of the clause was this, either that the party intending to avail himself of the benefit of the clause must erect new warehouses for the reception of the spirits to be exported, or he could not commence warehousing in his present premises for twelve months. A clause had been proposed to the right hon. gent. which would have removed great part of the objection, namely, to prevent the distillers of Ireland from working for the home trade of Ireland, while they worked for the foreign market, which it was impossible they could do fairly at the same time. In this way it would have been incumbent on the Irish distiller, if he were on a Tuesday working for home consumption, then to stop, and to give notice that on the second day after he should commence working for exportation. This was at present the law in Scotland, and why not so in Ireland, where frauds were more likely to be committed? That the greatest frauds were at present committed in the distilleries of Ireland, appeared from the statement of the Irish Chancellor of the Exchequer himself. The right hon. gent. has been pleased to talk highly of the candour and liberality of the English distillers. They would rather, he could assure his right hon. friend, have a little solid pudding than so much empty praise. The clause proposed was an absolute nullity, as far as concerned the Bill.

The *Chancellor of the Exchequer* said, if the meaning of the clause was as it had appeared to his hon. friend, the clause was defectively worded. He surely meant that the same premises used by a distiller at the time of passing the act, might be used for the purposes of this clause. He believed the measure would be found more advantageous for all parties than when there was no intercourse. Could it be expected, then, that Ireland would give up her home market for the chance of exporting? And if the House had no absolute right to prevent this, would not the introduction of such a clause be an indirect mode of preventing that which openly and directly they had no right to prevent?

Mr. *P. Moore* alluded to the boons which had lately been conferred on Scotland, in grants for her roads, bridges, and canals; and to the grants to our colonies on the coast of Africa, &c.; and argued, that as the distillery was the only branch in which it was alledged that Ireland had at all been favoured at the Union, it would be unjust and ungenerous totally to deprive her of that the only boon she had received.

Mr. *Marryatt* contended that the Union was founded on principles of reciprocity, and that whatever was unprovided for in this respect, ought to be done away with. What was this measure, but that the Irish distillers should pay no duties and no drawbacks? The right hon. gent. had said, that he would not recommend this as a permanent measure. He would ask, however, why it ought not to be kept as perfect, as if it were a permanent measure? Two years ago the right hon. the Chancellor of the Exchequer for Ireland had trusted to a great increase in the revenue from the consumption of spirits; but in this he had failed. Then the duty was again lowered, that the consumption might be increased. What the country had gained, however, in revenue, she had lost in morals, as the hospitals of Dublin could tell. Morals and industry were the strength and riches of the country; and, as going to undermine both, the present seemed to him one of the worst measures that could be adopted. Rather than agree to such a Bill he would have the intercourse suspended till next session.

The clause was then put and agreed to, and ordered to stand part of the Bill. On the question that the Bill be engrossed,

Mr. *W. Smith* again protested against the principle of the Bill, and also against its details. He did not wish to require that the Irish distiller should have two places for carrying on his business, but only that he should give two days notice before proceeding to convert his operations from distilling for home consumption to distillation for exportation, and that in the mean time his work should be suspended. What he complained of was that every thing in those regulations was given to Ireland. Gentlemen said that suspending the intercourse was infringing the Union. Would they say, however, that the imposing of drawbacks did not infringe the Union? If this was not so, then was his argument gone. If it was, then was there a fallacy in saying that he was guilty of a breach of the Union who recommended that out of which a solid and substantial benefit arose, and that he was not guilty of such breach who was for giving an unfair and undue advantage. The right hon. gent. said that the distillers in Scotland would be able to avail themselves of the privilege of warehousing which he proposed. There were only two persons in Scotland, however, who would be able to do so; and for that reciprocity all Ireland was to be enabled to send spirits into England. He had heard of Irish reciprocity; if this was not it, he could not conceive in what it consisted. The English distillers had gone on, trusting to the assurances of the right hon. gent. that things should continue as formerly, and one of those understood agreements was, that the non-intercourse with Ireland should continue for three months after the conclusion of the session of Parliament. The question was, whether parties who complained were not the best judges of the grievances they suffered? They said to the right hon. gent. "If we cannot have things as we wish them to be, let them stand as they are. The right hon. gent. said, "No; you must have what we are willing to give you." This was not what the English distillers had a right to expect from him. The rights of the country were thus sacrificed; and if the corn distillery of England was to be stripped for the convenience of Ireland, then had the landed interest of England more reason to complain than they would have had in the case of the distillation from sugar. In the one only a fair advantage was given to the importers of sugar; in the other, an unfair advantage was given to the corn grower of Ireland. All that the English distillers asked was, that in the article of notice previous to proceeding to the distilling for exportation, the three countries should be put on a footing. The right hon. gent., on the other hand, did not make this reciprocal, but imposed on Ireland only as much of the burden as he thought proper. What the English distillers here demanded was only suspension of intercourse, or justice, no more.

Mr. *Hutchinson* argued in support of the Bill. The countervailing duties imposed by the act of the Union, were equal to the internal duties on the imports of spirits from Great Britain into Ireland, and from Ireland into Great Britain—imposing, however, a drawback on the export equal to the countervailing duty. At the Union, the countervailing duty in Ireland was fixed at *3s. 7d.* per quarter—the drawback was, of course, the same. By the 48th of the king, the duty was raised to *5s. 8d.* and the countervailing duty was declared to be also *5s. 8d.* The 50th of the king repealed the 48th, and lowered the duty to 3*s.* 4d. without imposing any countervailing duty. The intercourse being now open, the drawback was *3s. 7d.* and of course excessive, the duty being only *3s. 4d.* A countervailing duty of *3s. 4d.* was then introduced. But this drawback, thus reduced to *3s. 4d*, the British distiller contended to be still excessive, and demanded a suspension of the spirit trade between the two countries, which would deprive the Irish distiller of his undoubted right of coming into the British market, upon his paying the countervailing duty as existing in Great Britain; and this too, while the British distiller affected to complain of his being shut out of a market, not only open to him on fair terms, but which he had never been disposed to resort to. The Irish distiller had, indeed, a strong ground of complaint against the Scots distiller, who went into the Irish market, receiving as a drawback the British and not the Scots duty, two shillings more than he paid, while the Irish spirits came into the Scots market paying the British instead of the Scots duty. When in 1804, the British distiller complained of certain internal advantages under which the Irish distiller came into the British market, the Irish distiller was quickly dispossessed of what it was scarce worth the trouble to deprive him, by the warehousing Bill. This alarm attempted to be excited against the Irish distiller was quite in conformity with the old spirit of monopoly which had so strongly characterised Great Britain in her commercial dealings with all the world, to which Ireland had been for centuries exposed, and under which she had suffered the most cruel persecution. The smallest extension of trade was at all periods with the utmost difficulty, and after the severest struggles, obtained for Ireland. Her internal manufactures were studiously discouraged, a direct trade to any of the colonies or the rest of the world interdicted under the heaviest penalties. It was about 113 years since king William declared to the English House of Commons "I shall do all that lies in me to discourage the woollen manufactures of Ireland." Nay, so late as 1778 the table of the House of Commons was covered with petitions against a miserabe indulgence to Ireland of a direct trade in glass and hardware with the coast of Africa; and at this period, the cities of Glasgow, Liverpool and Manchester carried their magnanimity and patriotism to such a length, as even to threaten rebellion should these indulgences be allowed to Ireland. Even now Great Britain would thankfully receive in her necessity the raw material, the corn from Ireland—while she would illiberally attempt to exclude spirit, the manufacture from that raw material! A free trade upon no duties, or equal duties, was the principle of the Union. This principle had been effected with a vengeance as against Ireland; but when she required the same principle to be acted upon as against Scotland, her trade was interdicted, and the Union violated. Admitting, however, that the Irish distiller did reap some advantages from the spirit trade of Ireland with this country, was he therefore to be deprived of the trade itself? If so, would they restore to his country all that she had lost by the degrading and abominable measure of Union? [Here the hon. gent. was interrupted by cries of—Order, order! Chair, chair!]

The *Speaker.* The hon. member will do well to recollect, that such is not the language which it becomes this House to hear, or him to use, in speaking of a grave and solemn act of Parliament.

Mr. *Hutchinson.* Sir, I trust I am incapable of using language unworthy this place or myself. In saying what I have said, I have obeyed the dictate of feelings of which I am not ashamed; and while I know them to be just, I know not why I am to suffer the expression of them to be dictated to me. [Here the cries of—Order, order! Chair, chair! became louder and more general.]

The *Speaker.* The hon. member will be pleased to see the necessity of conforming to the usages of this House, in the expression of his opinions.

Mr. *Hutchinson.* To conform to the usages of this House I am in every way disposed; but my first right as a member of it is, what I shall never willingly resign—(Order, order!)—If privilege of speech be not the right of every member of this House, I know not what is—I have always thought it to be the right of every member of this House, what he feels honestly, to declare boldly—my feelings with respect to that measure of Union, have been strong and uniform. When it was first proposed, I foresaw in it danger to this country, in the danger, the degradation, and the ruin of my own—and as a common friend to both, I resisted it by every means within my power; and am I now to be denied the melancholy privilege of deploring the humiliating state to which that measure has reduced my country, by making her a party in effecting her national extinction? Am I to be denied the right of complaining that she has been tricked out of her independence by promises which have been all violated, and hopes which have been all blasted? If, however, after all this it be the secret determination to rob her gradually of the very few advantages, and those too of partial operation, to which under even such an act she may be entitled, why then let but gentlemen avow this, and let the Union be dissolved.

The House then divided:

Ayes	66
Noes	19
Majority	—47

French Prisoners of War.] An Account of the number of French Prisoners of War in England being presented to the House,

Mr. *Rose* took occasion to observe, that it would appear from these documents that the total number of French Prisoners remaining in England amounted to 45,939, and that the returns of the sick were 321. The number on parole were 2,710, and the sick 165. This statement he conceived would be a sufficient answer to the imputations of negligence upon the part of this government which had been thrown out by a noble lord.

Lord *Cochrane* rose and said: Sir; I do not know whether it is perfectly regular to make any observations on the production of these papers; but reproached as I am at this moment by the pointed address of the right hon. gent., and goaded as I have been by his repeated assertions, that I am unable to prove facts which I have stated to this House, it is incumbent upon me to justify my conduct, in having given notice of a motion relative to the prison in Dartmoor, but in which I did not persevere, for reasons very different from those assigned by the right hon. gent., namely, "an inability to prove facts." Sir, if facilities are afforded to investigate truth, that right hon. gent. will find, that neither within or out of this House have I ever asserted that which I am unable to establish. The time that has elapsed will sufficiently evidence my reluctance to bring this matter to the knowledge of the public, fearing that a disclosure might add to the misfortunes of our countrymen in France. However, the defence of my character now compels me to say a few words in relation to it, and the right hon. gent. and his colleagues have themselves alone to blame.

Having received many letters, stating the condition of the Prisoners of War at Dart-moor to be truly deplorable, I determined to investigate the subject; and having had occasion to go to Exeter, I proceeded to Launceston, and other depots, whence I obtained the intelligence, and being satisfied that the complaints had some foundation, I went to Dart-moor, not doubting but that every facility would have been afforded to disprove the complaints, and invalidate the heavy charges made; but, to my great astonishment, I was refused admittance, even in my capacity as a member of Parliament. [A great laugh.] Yes! I say in my capacity as a member of Parliament! which, whatever respect or consideration it merits in the opinion of the hon. gentlemen who indulge themselves in laughing, it ought to entitle the members of this House to admission there, or into any prison in the kingdom.

Having contributed to place many individuals into this depot, I applied also for permission to see the interior, as a captain of the navy, but I was refused leave, except to look through a grating into the outer court-yard. This caution, I confess, produced a conviction in my mind that there existed some hidden motive for unusual secrecy. I asked for the authority which prevented my informing myself of the state of the prisoners, and I was shewn an Order from the Transport-board, which increased my desire the more, as I found the climate of the prison accurately and faithfully described in the complaints which had been made to me. It is exposed on the summit of the highest and most bleak range of mountains in Devonshire, where the winter winds pierce with all the keenness possible, increased by constant fogs and sleet, and rain; it is situated in the midst of a barren moor, on which no vegetable grows. I was told that the prison wall had only been seen nine times from the Agent's house during the whole winter, although it is as near to it as from your chair, Sir, to that door, and in such a state of obscurity was Dartmoor involved, by fog and rain, that when I was there I had a guide each time to conduct me.

Anxious to learn the reason for building a depot in so barren, elevated and extraordinary a situation, I inquired the cause of various persons, and I was uniformly answered, that it was with a view to attract inhabitants to the Moor. A Moor, Sir, on which Englishmen since the creation never lived. A Moor on which Scotchmen refused to live. Saunders invited to take possession of it, some years ago, naturally inquired why English folk did not live there? And judging the answer, that it was high land, to be unsatisfactory, he asked if broom, whins, heath, briers, or thistles grew on the highly recommended spot? And being answered in the negative he said "keep it to yoursel' man, it wonna do for me at a'."—I was certain, Sir, that attracting inhabitants to this desert could not be the real motive. So, unable to get satisfactory answers at Dartmoor, I proceeded to Plymouth, where I obtained a plan of the Prison, fully corroborating one complaint, that the health of the prisoners had suffered by exposure to heavy rains, whilst standing in an open space for several hours, receiving provisions issued at a single door; the cooking room being several hundred feet distant from the Prisons, which then contained six thousand prisoners, divided into messes of six; consequently one thousand were soaked through in the morning attending for their breakfast, and one thousand more at dinner. Thus a third were constantly wet, many without a shift of clothes. I was told, however, that they gambled or sold them.

This being the state of things, I felt it a duty to proceed farther, and investigate, as well with a view to relieve those who had conveyed their complaints to me, as for the sake of our prisoners in France, and the honour of our country. At Plymouth I saw a return of sick and of deaths —I concluded that the fever arose from the cause which I have assigned, wet clothes in close prisons. Whether the return was made up daily or weekly, I do not remember—I cannot charge my memory at this distance of time. I think the number of deaths were 49 [A great laugh.] Sir, my want of recollection cannot alter facts, which are or ought to be on record, and perhaps are contained in the very paper now presented by the right hon. gent. if that paper is correct.

Here give me leave to observe, that the transport board, sick and hurt board, and the superintendance of prisoners of war, are all preposterously and absurdly united, by which means material duties are confided to and conducted by clerks; this is one of our new savings. The country, however, would have no reason to regret the expence of a few thousands a year, to responsible persons, in order that those distinct duties might be properly executed. Is it rational that letters written about the hire of transports, should be referred to medical men—or the allowance of medicines depend on the judgments of those whose habits enable them to perform the office of ship brokers? If this is not the case, why unite them? I remember once getting an answer from this board, that although our medicines were expended, we could get no more until the twelvemonth expired.

But, Sir, to return to the subject. On my second visit to Dart-moor, being again refused admittance, I began to explore the exterior, in the prosecution of which it occurred to me, that the manure of the prison, in a situation so distant from any town, might be an object to some one. On inquiry what became of it? the answer was, It was carried away by a common sewer. I asked, if it ran streight down the hill from the prison? And being answered in the negative, I thought it might lead to a discovery, if I followed the stercoraceous duct, which I found led diagonally nearly on a water level, meandering along the sides of the hills. Mark, Sir, I do not ascribe any motives, but it is a strange coincidence of facts, that this prison should, by accident, have been placed on the only spot in Devon, whence the stercoraceous matter of the depot could, by the power of gravity alone, descend on a neighbouring and elevated estate belonging to the Secretary of his royal highness the Prince Regent. (Mr. Tyrwhitt). It is a very extraordinary circumstance, and one, Sir, if it had happened in the island of Walcheren, to an estate of the Secretary of Louis Napoleon, we should have been surprized at.

The prison of Dart-moor stands in the most inclement part of all England [a laugh.] Yes; in the most inclement part, I speak not of the feelings of consumptive individuals protected by good houses, and comfortable warm cloathing. But I speak of men ill cloathed, exposed as the French prisoners were, on the top of the highest mountain in Devonshire, involved in perpetual rains and eternal fog. That the prison was not built there on a principle of economy, may be seen, by inspecting the contracts for provisions, coals and necessaries, furnished at Dart-moor and at Plymouth, I think I calculated the difference at more than seven thousand pounds a year, on the provisions alone. It may be very proper, that prisoners should not be collected in great numbers at Plymouth, but I assert, without fear of disinterested contradiction, and without the possibility of the fact being disproved, that Dartmoor depot ought not to have been placed on the top of the highest and most barren range of mountains in Devonshire, where it is involved in constant fog, and deluged with perpetual rain.

If the right hon. gent. thinks proper to go more at large into this subject at a future period, and to add to the papers which he has just placed on the table the Reports of medical men and others, relative to the state of the prison at the period alluded to, and the situation in which it is built, I am prepared to meet him even upon that point, which he has imprudently pitched upon as a feature of my inconsistency; although it will be in the recollection of the House, that the notice I gave was solely, that I should move for papers.

I may add to my other reasons for relinquishing my intention, that I received assurances that the situation of the prisoners would be immediately attended to. I shall abstain from remarking on the manner in which the right hon. gent. has taken me by suprize, and wrested from me these facts in my own defence. Had I brought this matter forward voluntarily, I do assure the House that it was my intention to have cleared the Gallery, to prevent publicity.

The *Chancellor of the Exchequer* observed, that by the noble lord's own statement, the circumstances of the prison were altered. There had been a mortality among the prisoners in the spring of 1810, from the arrival of some French from the West Indies, in a very dirty state. Those men brought fever into the prison, but it was soon got under. The Chancellor of the Exchequer then succinctly answered the other statements, and concluded by expressing his surprise that if the noble lord had known of all those charges, he had never brought them forward before. The prisoners were at this moment in a state of comfort unequalled in any military prison, and in a state of health which was not exceeded by that of the healthiest district of England.

Mr. *Whitbread* felt himself obliged to make some observations on what had fallen from the noble lord. He had taken the pains of making many enquiries into the state of the prisoners, and he must say, that all his enquiries were satisfactorily answered. There had been a fever in the prison, from infection; that was got over. As to the assertions, that there was a difficulty of corresponding with the Transport Board, he had happened to have a good deal of correspondence with the Board on the subject of those very French prisoners, and he would say, that he was surprised, not merely at the quickness of their returning an answer, but at the minute information which they gave of every prisoner. He had observed, in one of his visits, that there was a want of clothing among the prisoners, but the reply was nearly satisfactory. Some of those prisoners possibly had reason to complain, that enough clothes had not been furnished to them lately; but of others, it was known, that if they had three rags, they would gamble away two of them. The situation of the prisoners at Dartmoor seemed as comfortable as the situation of a prisoner could be.

Mr. *Rose* said the malignant fever was in January, and that in April, out of 5,000 prisoners, there were but 60 sick.

Mr. *Cripps* said that to his certain knowledge the water at Dartmoor was excellent.

Mr. *Stephen* reprobated the injudicious and careless spirit in which many of the observations on the subject had been hazarded by the noble lord.

The Papers were then ordered to be printed.

LOVEDEN'S DIVORCE BILL.] On the third reading of Loveden's Divorce Bill.

Mr. *Lockhart,* after a few observations on the legal nature of divorce, moved that some provision for Mrs. Loveden might be allotted out of her own portion. He conceived that he should not exceed moderate bounds, by naming 300*l.* a year. (A cry from all parts of the House of —Name 400*l.*)

Mr. *Giddy* stated, that he had learned from the counsel in this case that Mr. Loveden objected to her having any annuity, as she had a jointure of 800*l* a year, which she might sell. (A cry of no, no.)

Sir *J. Graham* thought 400*l.* a year extremely moderate, when it was considered that the party was a young woman. If no provision were given, it would be an inducement for old honourable members of that House to marry young wives. (A laugh, and Order.)

Mr. *Wilson* hoped for the credit of the House, that they would not, with their eyes open, drive a young and very unfortunate woman into courses, if possible more vicious than those which had ruined her character already.

Mr. *W. Smith,* in allusion to sir J. Graham's expressions, wished it not to be understood as the idea of that House, that a young woman married to an older man was not as much bound to give him her whole attachment, as if their ages were equal. It was lord Thurlow's opinion, that a wife's bringing a large fortune, was no reason that an adultress should demand back a large provision. Two hundred pounds would probably have been the portion allotted by lord Thurlow.

Mr. *Whitbread* said, if 200*l.* was enough in lord Thurlow's time, 400*l.* was not more than enough now.

The *Chancellor of the Exchequer* conceived the question an extremely serious one. He wished to have time to consider it. It was only mercy to the sex, to avoid making the road easy and profitable to a crime, most injurious to society, and ruinous to the character of females. He did not know yet, whether the House ought to sanction the giving so large a share of the interest of her portion to this unfortunate woman. It might be, too, that passing a clause to that effect might be introducing a precedent and interfering with proceedings already instituted by the other House. He wished to hear the opinions of legal men on that point.

Mr. *Simeon* said, that he had known an instance of a clause of the nature of the present one inserted by the Commons, and that it was not rejected by the Lords.

The House went into a Committee, and the clause was brought up, and read a first and a second time.

Mr. *P. Moore* answered, that Mrs. Loveden's portion was 12,000*l.* and (as far as we could understand) that the liberality of her family made it equal to 1,000 a year.

The *Speaker* observed, that the clause was not without example. In 1793, a clause had been introduced into a bill from the Lords, and it was not thrown out by them on its return. The sum named was, however only 50*l.* But during the ten years in which he had been Speaker, no such measure had been brought forward; and when he saw the bill coming from the Lords without such a clause, and when the motion was made at so late a period of the session, he must recommend the House to take farther time to consider what they were doing.

After a few words from sir J. Graham, the Speaker moved that the Committee report progress, and ask leave to sit again, which was agreed to.

Mr. Mansell Philipps.] The order for the attendance of Mr. Mansell Philipps being read,

Mr. *Lockhart* said, that Mr. Philipps had called upon him at about 10 o'clock in the morning, and told him, that though he had not been served with an order, he understood the House required his attendance, and therefore he would come either that day, or the following. He requested to know the nature and prayer of the petition, and being told that it was to compel his appearance to an indictment in the county of Surrey, he asked, What he should do? To this he (Mr. Lockhart) replied, that he should go to a clerk of the peace, and give bail for his appearance; and also before a judge in his chambers, and bind himself to attend at the session. Mr. Philipps's answer was, that he was always willing to do so, but being misinformed by his attorney, and told that his appearence was not necessary, he had neglected it. In consequence of this communication, he had to state, that Mr. Philipps had since appeared before a clerk of the peace, and brought from him a certificate to that effect; and also that he had promised on his honour to attend at the judge's chambers. Having succeeded so far, he trusted the House would consider he had discharged his duty: he therefore moved that the order for Mr. Philipps's appearance might be discharged.

The *Speaker* said that as no complaint was now made, the order fell to the ground of course.—The order was accordingly discharged.

HOUSE OF COMMONS.

Saturday, June 15.

Answer of Lord Wellington to the Vote of Thanks.] The Speaker acquainted the House, that he had received from lieutenant general lord viscount Wellington, the following Letter, in return to the Thanks of this House, signified to him in obedience to their commands of the 26th of April last.

"Sir; *Elvas, May 25th,* 1811.

"I have had the honour of receiving your letter of the 26th of April, in which you have inclosed the Resolutions of the House of Commons of that day, conveying the approbation of the House of the conduct of the army under my command in Portugal during the late campaign, which I have communicated to the allied British and Portuguese army.

"I attribute the result of the operations of which the House have been pleased to approve (under Providence) to the support and assistance which I have invariably received from the general and other officers, and to the good conduct, the discipline, and bravery of the troops; and it must be highly gratifying to them, to find that their services have been deemed worthy of that distinction, of which all are ambitious, the approbation of the House of Commons.

"The favour with which the House of Commons have viewed my services, and the honour by which they have been pleased to distinguish them, have made an indelible impression upon me; and I hope, by the continuance of my zealous endeavours to serve his Majesty, according to the best of my judgment, to prove my gratitude to the House for their favours.

"I beg that you, Sir, will accept my acknowledgments for the handsome terms in which you have again conveyed to me the sense of the House of Commons: and I have the honour to be, with the utmost respect, your most obedient and most faithful humble servant, Wellington.

"The right hon. Charles Abbot,
Speaker of the House of Commons,
&c. &c. &c."

HOUSE OF LORDS.

Monday, June 17.

Prisoners of War.] Lord *Holland* rose to move that duplicates of the correspondence which had passed between the British and the French governments, relative to the Exchange of Prisoners, and which correspondence had been already laid before the other House of Parliament, be also laid on their lordships' table. It was painful to consider to what hardships and privations such a large number of persons had, in both countries, been doomed for such a length of time, especially if no serious measure had been adopted to relieve them from so distressing a situation. It was proper that their lordships should inquire, and that the country should know to which of the two governments was to be imputed the failure of the attempt to settle some plan for the exchange of prisoners of war. It was proper it should be known that nothing in fairness and in justice had been omitted on the part of the British government to effect that exchange, and that if it failed, it had not failed, through any want of sincerity and anxiety on our part, to accomplish an object which, from every motive of humanity, it was so desirous to attain. It afforded him much satisfaction to observe, that no blame on this head was imputable to this country, and that the British government had gone every length which they were warranted in going, in order to bring about that much desired exchange.

The Earl of *Liverpool* was as desirous as any noble lord could be, that the conduct of government, in this respect, should be as generally and as publicly known as possible. Indeed government had evinced a most sincere anxiety to obtain this object by the sacrifices they were ready to make, in order to attain it; for every proposition that was just, fair, and equitable, had been made to the enemy for that purpose, but they were not met by a similar disposition, and had been frustrated only by the exorbitant, and wholly inadmissible demands on the part of the French government.

The motion was then agreed to.

British and Irish Militias Interchange Bill.] The House went into a Committee on this Bill, and agreed to several clauses. On that clause which provides for the privileges enjoyed under the respective acts by the different militia forces,

Earl *Stanhope* moved the insertion of the words he had moved to insert into the Mutiny Bill, and which provided that no officer should have the power of compelling any soldier not of the Church of England to attend its service, and gave him the right of attending those places of worship to which he was attached, according to the dictates of his own conscience, such attendance not interfering with his civil or military duties. He wished not to leave this matter to the discretion of this or that Commander in Chief, but to make it clear and undoubted by a parliamentary enactment.

The Earl of *Liverpool* thought the amendment unnecessary; as care would be taken, on the adoption of this measure, to have a general order issued here, similar to that in Ireland. He believed the Catholics, whom he admitted to be as respectable and loyal as any other description of his Majesty's subjects, were quite satisfied on this point, and that the regiments from counties chiefly Catholic were among those who would be first in volunteering their services in England.

The Earl of *Moira* contended for the clause proposed. He thought nothing could be more simple and just, than to set the whole matter in a clear and legal point of view, and so do away all grounds of misunderstanding. He believed that nothing unfair was meant, and if his feeble voice could reach the ears of his countrymen, he would tell them that they might rely on fair treatment; but it was still better to settle all reasons of doubt.

Lord *Holland* argued in support of the clause. The question ought not to stand on the disposition of a Secretary of State, or a Commander-in-Chief, whoever they might be: it was one which it became parliament to fix beyond misapprehension. A proof that the original clause was not sufficient, was shewn in the necessity of promising a general order from the Commander-in-Chief here.

The Earl of *Buckinghamshire* wished to have the doubts removed. He had no objection to the amendment, except his decided conviction, that government would act with perfect fairness. He also thought that some difficulties might arise from adopting the Amendment now, after refusing it in passing the Mutiny Bill.

Earl *Stanhope* in reply, strenuously defended the principle of his amendment, as founded on the sacred, inherent, and inalienable right of every man to worship his Creator in his own way, when it did not infringe on the civil and military duties he owed the state. Why should the Secretary of State refuse his amendment, which went to do that in a straight forward way which he wanted to do circuitously; which went to put that on a ground of right, which others seemed to put on a ground of favour? He appealed to the resolutions passed in May, in Dublin, to prove that the Catholics were not satisfied on this subject. Indeed, they could not be satisfied. The Secretary of State had a vast deal of faith, and the proof of his excessive faith was to be found in his belief in impossibilities! If the Catholics were dissatisfied, they would not come. Then the noble Secretary of State would be another Mahomet. The mountain would not come to him, and Mahomet must go to the mountain. He had proposed his amendment, in order to state his clear and conscientious opinion, and wondered how any man of principle could dispute it. But he should not then divide the House.—The Amendment was accordingly negatived.

The Earl of *Radnor* proposed a clause, which went to limit the interchange to the cases of invasion or rebellion.

The Earl of *Liverpool* objected to the clause as hostile to the principle of the Bill; the professed object of which was to promote the intercourse, not only on extraordinary but on ordinary occasions, and thus more closely cement the connection between the two countries.

Lord *Holland* was of opinion, that the Bill as it stood really went to consolidate the efforts of the Empire; and therefore though it considerably trenched upon the old principles of the militia acts, yet the former advantage so much outweighed any inconvenience from the latter, that the Bill should have his support.

The clause was negatived; and the third reading of the Bill was fixed for Friday.

HOUSE OF LORDS.

Tuesday, June 18.

ROMAN CATHOLIC PETITIONS.] The order of the day having been read, for taking into consideration the Petitions of the Roman Catholics of Ireland, the said Petitions were read by the clerk at the table.

The Earl of *Donoughmore* then rose. He said, that the subject on which he was about to address himself to their lordships was not to be considered as the commencement of a treaty between two independent communities, at the outset of which it might be necessary, as it had been the usage, to lay down certain principles, respecting which both parties were agreed, as a ground and basis of negotiation, on which they were to proceed to the discussion of their respective interests. It was a firm but legitimate appeal for the redress of grievances to that branch of the supreme power of the state, on the part of a large portion of its constituent body. There could exist, under such circumstances, no relations of equality; and therefore no previous stipulations could be admitted as preliminaries either on the one side or on the other. It was equally competent to the supreme power to give or to withhold; so did it depend exclusively on its discretion in what manner, and accompanied by what other measures, if any may be deemed necessary, it shall think fit to restore to the Petitioners those constitutional privileges, of which they complained that they had been deprived.

The object of the motion with which he should conclude, was not to press that House at once for any fresh concessions to those whose cause he had undertaken to plead—and therefore he should exclude from the consideration of the present question, because they would be premature, all those learned disquisitions of which they had heard so much, respecting the Veto proposed to be given to the crown in the appointment of their Bishops, or the Domestic Arrangement, which had been suggested in its stead. He would not turn aside, to compare the Resolutions of the Catholic Prelates in 1799, (framed as an answer to a direct proposal from a friendly government, and in the expressed confidence of approval by the sovereign pontiff,) with the Resolutions and Address of the same persons in September 1808 and February 1810, when the violence of the common enemy had deprived them of every means of communication with the spiritual head of their church—whose sanction they had declared at all times to be an indispensible requisite to any arrangement on their part, and when they could have had no possible inducement to suggest facilities to a decidedly hostile administration.

He did not feel it to be any part of his present duty to examine, for the purpose of endeavouring to reconcile them, those misapprehensions, which had unhappily prevailed between their avowed agent, of whom he could never speak but with much respect, and some of their most conspicuous parliamentary friends. Those differences of opinion, however greatly to be lamented, had not deprived the Catholic cause of any one of its former supporters, in either House of Parliament; and, whatever their ultimate amount and value should be found to be, they could not, on any just principle of reasoning, be erected into an insurmountable obstacle, *in limine*, to any consideration of the Petitioners' case.

Many and weighty objects would, of course, press themselves upon their lordships' attention, when they should have once engaged in the good work of national conciliation to which they were then invited. Whenever that moment, so devoutly to be wished for, should arrive, the advocates for Catholic privilege, the enemies of the still existing system of proscription, would be prepared to enter into all the necessary details—they would be prepared to shew, that they sought nothing for the petitioners which was not consistent with the perfect security of the Protestant state. That the tests, by which the petitioners were already bound, afford assurances the most complete for the protection of all our establishments, civil and religious. That with respect to those alleged dangers which had been so much relied upon, from the possibility of foreign appointments to the prelacy of the Catholic church, they entertained the best founded confidence in the declared and cordial disposition of that community, lay, as well as ecclesiastical, effectually to remove all just grounds of apprehension: If, indeed their own experience of the past should not be considered as in itself sufficient security for the continuance of the same course of chaste and uninfluenced selection for the time to come.

On behalf of the Petitioners, he only claimed the justice of being permitted to prove the merits of their case: The opportunity of rebutting those false and cruel aspersions, by which their holy religion, and they, as the professors of it, had been unceasingly assailed; the opportunity of challenging their calumniators to come forth and shew in what manner they had sinned against their common country, by what transgressions of theirs they had deserved that condition of restraint and degradation, under which they still continued to suffer consistently with the unity of the Catholic church, under one and the same spiritual head, its great land-mark and distinguishing characteristic, and which they could never cease to uphold until they should have renounced the religion of their forefathers: there was no sacrifice which they were not prepared to make, to conciliate the esteem and the affections of their Protestant fellow subjects.

The sum and substance of his humble but earnest solicitation to their lordships, on behalf of his petitioning and aggrieved countrymen, was only this; that they would not pronounce against them the hard sentence of perpetual exclusion from a just and equal participation in all the rights and privileges of the constitution, as disaffected members of the state, without the decent formality of some previous investigation—that they would not dismiss them from their bar discredited—and condemned unheard.

There was one prominent feature by which that question stood distinguished from any other, which perhaps had never engaged the attention of any legislative assembly—a peculiar anomaly, which has not had its parallel in the situation of any country on the face of the earth, either of ancient or of modern times. The religion of a very small minority of the people is the religion of the state, as established by law; nine-tenths of the population professing religious opinions, essentially differing from those of the establishment; to the support and splendour of which all were, however, alike bound to contribute in equal proportions. What was the case with respect to the other members of the United Kingdom? Directly the reverse. Presbytery established in Scotland—and here, the Reformed Episcopal Church. In both cases, the establishment of the State Religion, controuled and governed by the religious opinions of the majority of the people.

When an attempt was made to force upon Scotland the establishment of Episcopacy, what a determined and disgraceful spirit of violence and outrage marked the resistance of the furious zealots of that day! That resistance, however, was not unsuccessful; and in conformity to the feelings of the majority of the nation, Episcopacy was accordingly abolished, after a severe struggle, and Presbytery established, by king William himself, in 1689.

Very different, indeed, were the effects of the Revolution with respect to his unhappy country—the weak and wicked policy of the law; the whole weight of the government, applied to extinguish the religion of the people, and which would have been on that account, under any other political dispensations but their own, the religion of the State, and to crush its professors to the earth by a system of tyranny and persecution, unequalled in the history of civilized communities; and this in the very teeth of a solemn treaty which guaranteed to the Catholics, in terms the most explicit, the free exercise of their religion.

Fortified as it was by the exclusive possession of ecclesiastical power, dignities, and emoluments for more than a century; was it possible for them to consider that the continuance of the penal code could still be necessary to uphold the strong and consolidated fabrick of the national church? and could they forget, that by the remedial statute of 1793, its perpetual maintenance was made an inseparable concomitant of every right and privilege which had been restored to the petitioners by that act, and that to the support of the Protestant establishments, the Catholic was himself bound under the solemn obligation of an oath?

He trusted that the period had at length arrived for making just restitution to his oppressed countrymen—assuredly no man who did not wish to conjur up as arguments in debate, apprehensions which he could not feel, could entertain a doubt that those establishments were already placed beyond the reach of any possible danger, unless their lordships should unhappily succeed in convincing the Catholic, by the force of their own fatal arguments, that his interests are in direct hostility to those of the national church, the subversion of which would be in such a view of the subject, the only road by which he could hope to arrive at the possession of political confidence and political power, the avowed and legitimate object of his most strenuous pursuit.

In what he had said, he desired that he might not be misunderstood; in that House he was not afraid of being misrepresented. On the part of the Catholics, he did not urge it as a grievance from which they were weak or wicked enough to seek to be relieved, that the Protestant church was the established religion of the State. He claimed not on their part, and as their advocate, what they had themselves solemnly renounced upon oath, a share in the honours or advantages of the established church. He did not mean to recommend to the imitation of the petitioners, that system of violence in the pursuit of their object, which however successful in the case of Scotland, he had unequivocally condemned, and from the excesses of which humanity itself recoils with disgust. In making that statement, and in the parallel which he had drawn, his intention had been only this,—to endeavour to awake the slumbering feelings of their lordships to a more kind and favourable consideration of the petitioner's case, from a just recollection of the peculiar grievances by which they had been oppressed; and of those circumstances of unexampled severity, under which it had been their misfortune to have suffered so long.

And here he must be permitted to express the particular satisfaction with which he had received the printed reports of their lordship's late proceedings on the Petition of the Protestant Dissenters; having been necessarily detained in the country for the recovery of his health, he was reluctantly prevented from being personally present. No man, however, more cordially approved the decision of the House on that very important discussion, and the respectful deference to the conscientious scruples of other men, however essentially differing from the doctrines and discipline of the Established Church, which marked the whole course of that interesting debate.

No voice was raised against these petitioners, as avowed and formidable opponents to the principles and practice of our ecclesiastical establishments—no attempt was made to misrepresent their motives or themselves; when 500 petitions upon the same subject were heaped upon their lordship's table almost at the same moment, noble lords abstained from that line of argument which he had known resorted to on other similar occasions, when the numbers of the Catholic petitioners had been represented by their parliamentary advocates, as furnishing additional ground, at least, for due and respectful inquiry into the claims of so important a class of their fellow subjects.

He might then venture to remind that House, without the fear of being charged with an attempt at intimidation, that he stood before their lordships the unequal advocate of four millions of his countrymen, and their fellow subjects—armed in support of the same establishments—in defence of the same gracious King—the joint inheritors with themselves of all the privileges and immunities of the British Constitution.

A salutary caution had suggested itself to him from this part of the argument. He addressed it to those, if any such were still to be found in that House, whose persevering hostility to the petition had not been satisfied by the perpetual rejection of every measure of kindness and conciliation which had been offered on their behalf; who appeared to have considered themselves bound, as it were, by a due regard to their own consistency, to a state of eternal warfare with his Majesty's Catholic subjects, and who had been unable, in their mode of considering this question, to distinguish and separate its intrinsic nature and constitutional bearings from their own rooted prejudices, and those justly reprobated doctrines, which, however disclaimed again and again, under the most solemn sanctions, they are determined still to impute, with injustice the most relentless and persevering, to the religion of the great mass of the Christian world.

If there should happen to be in that House any noble lords whose rare good fortune it had been, in administering the

Irish government, to have wanted the firmness of political constancy in what they have refused to the Catholics, and in what they have conceded to them, the dignity and the grace of voluntary conciliation—if there should happen to be found amongst them any noble lords who had ever descended from the high stations in which they may have been placed, to volunteer an unfounded testimony against the Catholic inhabitants of that country, to every individual of which, from former official habits and situation, such noble lords were called upon in an especial manner to render impartial justice, and to afford equal protection.—If, he said, there were any noble lords to be found in that House, such as he had described, he would only wish to recall to their recollection that decent forbearance and respect for the religious opinions of others, which distinguished their proceedings on the late occasion, as the rule by which to regulate their present conduct, in considering the alledged grievances of that great community of dissenters from the State Religion, whose Petitions were then upon their lordship's table.

Having alluded already to that memorable treaty concluded at Limerick with the Irish army in October 1691, and ratified under the great seal in April 1692, which gave to the British sovereign peace, and a second kingdom, and to the other contracting party the fruitful source of bitter disappointment and unheeded complaint for violated faith, he presented himself before their lordships, armed with this important instrument, to claim for the Petitioners at their hands, a just though tardy reparation.

In proceeding to prove their case, he should then call the attention of that House to another document, not of equal antiquity, nor sanctioned by the same official symbol of authority, but, if the most explicit declarations of the ministers in both countries, during the progress of the important discussions on the measure of Legislative Union, were to avail aught, as proofs of their own views, respecting the nature of those public objects, to which the accomplishment of that measure was expected to lead, was not the Irish Catholic taught to look forward, with the greatest confidence, to a prompt and just consideration of his own question, as the certain and immediate consequence of an United parliament? And, when he had been thus prevailed upon, from such prospects as these, to become a party to the surrender of his own legislature, which confessedly could never have been accomplished without his aid, is it not too late to tell him, that with that legislature were extinguished all those flattering prospects, and that he had closed the door against himself for ever?

Sanctioned thus, as much by the acknowledged and avowed spirit of one important treaty, as by the express letter of another, he had still to produce to their lordships on the part of the petitioners, further titles—on each of which, taken by itself, he could almost venture to rest their cause. First, the solemn disclaimer by the six Catholic Universities, in 1789, of all those unchristian and abominable doctrines, the existence of which, as principles of his religion, could alone justify the exclusion of the Catholic from any one civil or political privilege. Secondly, the formal protest, by command of the sovereign Pontiff himself, in 1791, against those imputed doctrines, when, at the suggestion of the British government, the exceptionable words were omitted in the consecration oath of the Irish Catholic Bishops. Thirdly, the testimony borne by our own Statute-book, in the preamble of the Act of 1778, to the character and conduct of his Catholic countrymen. Fourthly, the oaths of allegiance to the king and fidelity to the constitution, prescribed by the statutes of 1774 and 1793, and universally taken by all the Irish Catholics. And lastly, the strong and incontrovertible evidence, which every successive relaxation of the penal code has continued to furnish, of the conviction of the legislature, encreasing and confirmed, respecting the assured loyalty and perfect trustworthiness of the king's Irish Catholic subjects, as members of the Protestant state.

To the claims of the Petitioners, founded on such titles as these, to a full particiation with themselves in every constitutional privilege and capacity, what were the objections which he was to anticipate? If arguments were to be counted, and not weighed, the cause of the Catholics would indeed be hopeless; nothing had been left unsaid against them, which human ingenuity could suggest, or credulity itself affect to believe—imputations the most unfounded—charges, the most contradictory—idle doubts, and causeless apprehensions, have continued to mark the lingering retreat of prejudice and bigotry, and the slow and impeded march of truth, wisdom, and philosophy.

Was it fitting that he should exhaust their lordships' patience by a repetition of all those calumnies which have issued forth, at the appointed seasons in the shape of arguments, in strong array, against the Petitioners? and which, though beaten down by evidence the most convincing and conclusive, they had seen return to the charge again and again.

Must he be prepared to demonstrate, by a regular chain of proofs, that the doctrines of the Roman Catholic Church do not enjoin or justify, in any possible case, the breach of that sacred obligation which binds man to man, and is the strongest cement of human society—that Catholics are not, of necessity, and from the very nature of the religious opinions which they profess, faithless members in every Protestant community—that they are not bound to the subversion of that property, the present arrangement of which they feel to be their own best title and security; nor to the overthrow of those establishments which they had so solemnly sworn that they would never assail?

Could it be necessary that he should consume the time of the House, by pressing again upon their attention, those arguments by which he endeavoured to shew, and he trusted not without some effect, when he had before the honour of addressing their lordships on behalf of the Petitioners, that the so much relied upon Corporation and Test Acts which they had already repealed and modified, from time to time, in favour of Dissenters from the state religion, of every description, are not to be set up, at this day, as insurmountable obstacles against a continuance in the same course of legitimate concession?

And lastly, was he to expect to hear it still resounded in his ears, in the same solemn tones, that, because the settlement of 1688 established the principle of a protestant king, the principle of an exclusively Protestant parliament must, of necessity, be inferred as an inseparable consequence, when they had already recalled the Irish Catholic to his just share in the choice of that representative body, by giving him back the elective franchise; and whilst his constitutional capacity to hold every civil and military situation had been restored and recognised by the general repeal of all existing disabilities in 1793, what species of reasoning was it, which would give to the exceptions, created by that act, the quality and character of fundamental exclusions, unchangeable and eternal?

But what, he would ask, were those apprehended dangers against which the penal code was to have afforded us its protection? If they were to be searched for in the fears of a disputed succession, and the claims of an exiled family, had they not long since entirely ceased to exist? The claimants and their titles sleep together in the peaceful grave—extinguished and forgotten. How long was that injurious system of restriction to survive those very dangers which it was devised to meet and obviate?

He was now arrived at the last and only remaining objection—the doctrine of the Pope's supremacy as head of the Catholic Church: and if on any just constitutional principles the direct and unqualified denial of that position was of necessity to be an indispensible preliminary to the full admission of the Petitioners into all the powers and privileges of the state, he must be content to leave them for ever, as they are excluded and shut out, for ceasing to maintain the unity of their Church; under the same spiritual head, they would desert an essential doctrine and distinguishing characteristic of the Catholic faith.

Let, however, this formidable ground of objection be examined, and let it be seen in what it consisted. To give it weight, it must consist either in the refusal to the supreme magistrate of our own state, of something that is necessary to his own power, or that it is requisite for the benefit of the public, that he should possess, or it must consist in giving to the head of a foreign state some quality, power or preeminence, the exercise of which may be dangerous to our own. It had been urged by some persons, that he who denied the supremacy of the King as head of the church, was a traitor, but he could not discover where it was to be found that this supremacy was conferred, neither was this supremacy acknowledged by the Protestants themselves. In refusing, therefore, to affirm this supremacy, in a Protestant king, the Catholics did no more than the Protestant, and refused nothing which the Protestant affirmed. By what act was the Protestant called upon to acknowledge in the King any ecclesiastical supremacy, or what single act was the king capable of doing in affirmance of such supremacy? What orders could he give in ecclesiastical matters? Could he alter the Liturgy of the church, or the form of prayer as established by law? The King might, it was true, order a fast, or a form of prayer upon such an occasion, but could he add to, or exclude, a single letter in the canons or articles of the church? In ecclesiastical appointments, undoubtedly, the King enjoyed a power, but only in common with other lay patrons, by whom ecclesiastical persons were presented to benefices; and even the high rank of bishop was, it was well known, disposable by the authority of a layman. What then of value, either to the splendour of the crown, or the good government of his people, did those take from the King who refused to assist his spiritual supremacy? The difference between appointment and ecclesiastical investitures, was well known to every one. It was well known that the appointment or presentation to a benefice by a lay patron, was not complete without the institution of the ordinary or bishop of the diocese, and no lay patron considered his rights infringed upon, or rendered less valuable from the necessity of having such a confirmation from the spiritual power. In refusing, therefore, to affirm spiritual supremacy in the King of the Protestant state, the Catholic took from him nothing of value. In the Catholic church the power of ecclesiastical institution or investiture, undoubtedly rested with the Pope, or the person representing the unity, which was essential to that church, but in acknowledging this, what of value was given to a foreign power? The institution or investiture, it was well known, could not be refused except for good canonical reasons. The power of appointment was undoubtedly not given, nor was this power ever acknowledged to belong to the sovereign pontiff as an avowed part of his spiritual power. It was indeed scarcely now claimed. It had, he acknowledged, been formerly repeatedly claimed with great warmth and vehemence, but the claim had been resisted with equal pertinacity, and with success. To prove this, they need only look at the well-known liberties of the Gallican church, and the decision of the council of Trent, which completely set the question at rest. In that council it was remarkable, that while the Italian bishops, those whose sees were adjacent to the territories of the see of Rome, supported this claim of the sovereign pontiff, the Spanish and Portuguese bishops, who were considered as the most bigotted of the Catholic church, effectually resisted, and by the decision of the majority of that council the question was finally decided. The acknowledgment, therefore, of the supremacy of the sovereign pontiff, or the person who represented the unity of the Catholic church, did not give him the power of appointment. With respect to the Catholic Prelates of Ireland, they had hitherto been appointed upon a principle of election, or rather of selection, and these appointments had for a long series of years been strictly domestic. No body of men had ever acted with more propriety than the Catholic Prelates of Ireland; and he could confidently appeal on this head to those noble lords who had administered the government of Ireland, and who had always found the assistance and influence of those Prelates a most valuable resource. He had no doubt, and upon this point, he could not hesitate to give a solemn pledge to the House, that if the Irish Catholic bishops were called upon by a proper authority for that purpose, they would have no difficulty in proposing an arrangement to obviate any objection to the interposition of a foreign power. They had not, on a late occasion, thought it right to volunteer any proposal for an arrangement of this nature; but if now, or at a future period, their lordships should happily agree to enter into the consideration of the Catholic Petition, whenever the happy moment should arrive, that the prejudices against the Catholics should give way to the justice of their claims, then the Prelates, when called upon from authority, would be ready to propose an arrangement under which the appointments of the Catholic bishops should be effectually domestic, remaining of course for the spiritual investiture of the supreme head of the Catholic church. Such an arrangement would obviate all objections, and he was convinced that if the legislature were disposed to concede the claims of the Catholic, there would be found in return, on the part of the Catholic bishops, every disposition in conciliation.

His lordship then alluded to the Militia Interchange Bill, in progress in the House, and observed, with regret, that the Catholic soldiers of the Irish militia had been refused an enactment for the free exercise of their religion. He was aware that an order was to be issued by the Commander in Chief for that purpose; but a similar order had long existed in Ireland, and yet, notwithstanding that order, a Catholic soldier, in the artillery, had been confined for refusing to attend the service of the Protestant church. Another order was then issued, but it was of little use issuing orders if they were not obeyed. A legislative enactment would have prevented the recurrence of any act of a similar nature. He did not mean to object to the Bill, it was a measure of strength, and he was disposed to support those measures, which gave strength to the government, but the refusal to make any legislative provision in it for the free exercise of their religious worship by the Catholic soldiers of the Irish militia, formed in his mind a strong objection to it. It was stated, that they were to enjoy the same privileges that they now did, but what provision was there made for that enjoyment? The means were easy, if the government would use them, let them appoint Catholic chaplains, in order that the soldiers of that persuasion might have in truth the means of the free exercise of their religion.—The noble earl, after apologizing for taking up so much of their lordships time, concluded by moving to refer the said Petitions to a Committee of the whole House.

The Earl of *Longford* was of opinion that it would be better to postpone the consideration of the subject to another opportunity, when it would be less likely to create agitation and alarm amongst the majority of the people of the United Kingdom than at present. He was ready to acknowledge the respectability of many of the Irish Catholic bishops, but he could not consider the arrangement mentioned by the noble earl as at all adequate to the purpose for which it was proposed, as, if the Catholic bishops were to be placed within the patronage of government, their situations would become the object of ambitious contest, which would by no means tend to that harmony to which it was supposed the arrangement would lead. Great jealousy existed with regard to these claims. The noble lord said he did not wish to suppress the Catholic religion; but he wished to support the constitution. His lordship strongly objected to the proceeding at a Catholic meeting of addressing the Prince Regent to remove the lord lieutenant of Ireland, who was not the lord lieutenant of the Catholics, but of the country—and a country in which, though the majority of the population were Catholics, the greater part of the property and influence was in the hands of Protestants. An objection to the mode of proceeding now sought to be adopted, which in his mind had considerable weight, was, that the powers of the constitution were not complete. Undoubtedly they were nearly so, but still a measure of such great importance ought not to be proceeded in, until the powers of the constitution were complete and in full activity. The noble lord concluded by declaring his dissent to the motion.

The marquis of *Downshire* rose and said: My Lords; agreeing, as I do most decidedly, with every part of my noble friend's most luminous and able speech, there remains little for me to say that can add to the great body of information your lordships have gained on this subject this night. My anxiety, however, for the success of the cause, and the strong desire I feel to appear, as I hope I really am, an earnest supporter of the rights of my countrymen, will, I hope, plead my excuse for begging your lordships' indulgence for a short time. There cannot, I think, be adduced a stronger reason in favour of my noble friend's motion than the present contest on the peninsula; and as that contest is not likely soon to terminate, is it not an additional reason for conciliating and satisfying the minds of the people of a country, out of whose very vitals, I may say, are derived the means of carrying on the war. For, my Lords, a very large proportion of the army is composed of Irish Roman Catholic soldiers. These are the men whose bravery and noble conduct your lordships have already not long since extolled, and yet they are to be refused a participation in the rights and privileges of their country. Our gratitude demands of us to grant their request; and I am convinced, from my residence in Ireland, and the knowledge I have of the Irish as a people, that they are more susceptible of any kindness and attention than any other nation; and if they are so, as I can most truly say I have always found them in private transactions, what must they not feel towards this country, in return for their requests being granted, and their just rights being acknowledged? For these reasons, and for many others which I will not at present trouble your lordships with, I feel it my duty, as a peer of these kingdoms, to give my vote for my noble friend's motion.

The Marquis of *Lansdowne* observed, that after the speech of the noble lord on the other side, who spoke last but one, he could not give a silent vote on the present occasion, especially as he had not delivered his sentiments when this question was last before their lordships. He differed widely from that noble lord when he stated the jealousy that existed with respect to these claims, as a reason why they should not be discussed. On the contrary, it was because there did exist such a jealousy—because the question had been made a repeated foundation of alarm, for which there was no real ground, that he was most anxious it should be discussed; for he was convinced that the more it was canvassed, and the better it was understood, the sooner would that alarm be extinguished, which on some occasions, from the best motives, on others from the worse, had frequently been excited. The noble lord had said, that he did not wish to suppress the Catholic religion, but to support the constitution. Catholic disabilities, however, formed no part of the constitution—the constitution did not rest upon a system of exclusion. It was true, that on grounds of expediency, the propriety of which he would not then discuss, the benefit of the constitution had been suspended as far as respected particular classes. But the spirit of the constitution required an equal enjoyment of all rights and privileges, provided the state was not endangered thereby. He considered it as immaterial whether those claims were put upon the foundation of right or expediency—for there could be no right, if the state should be endangered by acceding to them; if not, the right manifestly existed; but their lordships and the other branches of the legislature were the judges whether there really was any ground of apprehension. They were to consider where the danger was now to be found. He could not agree with the noble lord in considering the powers of the constitution as incomplete, when they had been established by an act of parliament; but, at any rate, there was nothing in the present circumstances that rendered it improper to discuss this subject. Their lordships had now to consider whether, when the reasons which had given rise to these disabilities no longer existed, they were in these times not only to shut out the Catholics from their fair share of the privileges of the constitution, but to deprive themselves of the services of the most numerous class in a part of their dominions which produced as much genius and talents as ever distinguished any portion of the globe.

With regard to the dangers of granting these claims of the Catholics, he knew no way of judging, except by a reference to their opinions and conduct. As to the principles and opinions of the Catholics, he conjured his noble friend not to take them from any other mouths than their own; for he was aware that a meaning had been ascribed to certain Catholic tenets, which they themselves denied, and consequences were drawn from them which they abhorred. They had a right to be judged by the principles which they professed; and professed not merely with a view to the present question—not for the purpose of conciliating their lordships—but professed on all occasions, and in all countries for the last hundred years. The alarm arising from the sense which might have been affixed to some bulls of popes, and decrees of councils, had not been confined to protestant countries only. Even in Catholic countries an explanation and disavowal had been called for. In France, about 130 years ago, a disavowal had been made of those obnoxious doctrines which were now imputed to the Catholics. No pope, for the last 130 years had upheld them, and they had been disavowed by others, in every instance in which they came under consideration. Where, then, was the justice of going back to councils and remote times to impute to the Catholics the holding of tenets, which they no longer entertained, especially when their actions were in direct contradiction to such as would naturally result from such tenets? Why should such means be resorted to for the purpose of exciting a suspicion that the conduct of the Catholics would be different from what was their actual practice?

Adverting to the alleged influence of the pope, the noble marquis observed that the Catholics considered that influence confined solely to spiritual matters. This they professed; and if their conduct had been of late in opposition to such professions, then the truth of them might be doubted. But, in the history of modern times, notwithstanding the pains that had been taken, the research that had been employed for the purposes of this question, had there been found a single instance of the production of a great political effect that could be ascribed entirely to this influence? In the great political changes, in the radical revolutions which had occurred in the last century, where was the mighty effect of the power of popes and of councils. Had it prevented the dissolution of the Germanic body? Had it prevented the French Revolution, where the interests of the pope were so much concerned? Or had this dreaded power been inactive, and dead through all the storms which agitated the continent, to be revived and called into exertion in a remote corner of the world to affect the interests of England? The inefficacy of that power as to political matters did not, then, rest merely on the professions of the Catholics—it was proved by their own conduct, by indisputable facts. With every desire for the permanent security of the state and the church, connected as they were, he felt no dread of a power the effects of which were no where to be found.

But it would be injustice to the Irish Catholics to say, that their conduct had been of a negative description. He begged their lordships to consider what it had been during these last ten years, while this question had been in agitation. And here he must observe, that, though it had been said that this was the same question brought under discussion from year to year, it had been, in reality, a new question every year, for it always had come supported by fresh proofs of the loyalty of the Catholics, always by fresh services of a kind not only useful to the country but almost essential to its existence. Ten years ago a distinguished political character, the late Mr. Pitt, had retired from office because unable to do justice to the Catholics. Then followed the war attended with the dread of invasion; and that war was still raging. By whom was it to be carried on? Upon what foundation did the contest rest but on the exertions of a large proportion of the Catholics? And if it was important to defend the state and the church of England, it would be well to recollect by what arms they were defended. Their lordships would look at the peninsula, where, it was said, the contest was carried on for the salvation of the country, and mark how much was owing to the exertions of the Irish Catholics. Was it just or fair to be so suspicious of the loyalty and allegiance of the Catholics, or to doubt of their attachment to that country in defence of which they were shedding their best blood? Those who had perished in the cause had at least done this good, even if their merits had not been so conspicuous on other grounds, that they had increased the feeling of confidence with which their surviving brethren ought to be regarded.

Their lordships had full security that the oaths of the Catholics were held by themselves to be binding. In 1793 the Catholics had been admitted to various privileges upon the security of their oaths. Where was the mischief here from the influence of the pope? To deny that the Catholics were to be credited on oath, was to imitate the example of the metaphysicians who required as the ground of their reasoning, that their antagonists should disbelieve the evidence of their own senses. They had only to judge of the professions of the Catholics by their conduct. The noble lord had alluded to the difficulties that occurred with regard to the securities necessary for the preservation of the established church. For sufficient securities on that head, he should be as much disposed to contend as any noble lord present; but it was not surprising that there should be some jealousy as to the particular plan. The Catholics had, perhaps, seen Lord Lieutenants and other officers of government in Ireland, rendering even the Protestant church, the vehicle of political influence; and it was natural for them to imagine that the Catholic church would not be used for any better purpose. But their apprehensions, he was convinced, were confined to the undue exercise of political influence in their own church. The great body of the Catholics of property—he did not allude to any particular meeting of Catholics—but the great body he was convinced, felt as strongly inclined to oppose foreign influence in the nominations to their churches as their lordships. But the plan would be the subject of discussion in the Committee. There they might consider what securities were necessary; and without such securities, their lordships would certainly not grant this great boon. But that something should be done to restore to the Catholics the privileges of the constitution, there could be no doubt. Their honourable ambition to serve their country in the highest situations ought unquestionably to be gratified. This was essential to the completion of the measure of the Union. He had the authority of a distinguished statesman concerned in bringing about that Union, that its good effects depended upon the admission of the Catholics to all the benefits of the constitution; and he had illustrated that sentiment by the emphatic quotation from Virgil:

Non ego, nec Teucris Italos parere jubebo,
Nec nova regna peto; paribus se legibus ambæ
Invictæ gentes æterna in fœdera mittant. *

It was essential to the peace and security of all that the union should be thus completed. It was essential even for the security of the established church as well as the state, which depended in a great measure on the exertions of those who were the objects of this petition. When all their just claims were acceded to, they would be bound to the interests of the whole country by gratitude for the past, and confidence as to the future.

Lord *Redesdale* adverted to an accusation which had been thrown out against him of partiality in the administration of justice while in office in Ireland; an accusation which he said was most unfounded and unjust. He maintained that no man had ever administered justice more impartially, whether the parties were Catholics or Protestants, than himself. With regard to the general question, it had been brought forward merely for political purposes; and he was persuaded that the great body of the Catholics were not disposed to agitate a question where they could not hope to succed. The noble lord who opened the debate had averted to the treaty of Limerick. That treaty was made subject to the confirmation of parliament, which had confirmed it merely as far as it had thought proper. But it had been infringed by the other side; for one great object was to keep the army in the country, and yet it went abroad and served the enemy. He denied that the minister could have given any pledge to the Catholics that these claims should be granted. No minister could pledge himself to procure the sanction of parliament. Indeed he heard that the very reverse had been stated; that a reverend gentleman had put the question while the measure of the Union was in agitation, Whether it was intended to remove the disabilities of the Catholics? and that the answer was, That there was no such intention; that lord Farnham had made a speech in the House of Lords in Ireland against the Union, arguing that if it was agreed to, the disabilities never would be removed, as the English would never accede to such a measure, and that the noble lord himself published this speech and circulated it all over Ireland. The great statesman who retired in 1801, did not assign to him (lord Redesdale) as the reason for that proceeding, the impossibility of fulfilling a pledge to the Catholics; and as to the plan of security, he had only to state that the person to whom he alluded had declared to him, a few months before his death, that he had no plan, and that he could conceive no plan whatever, by which a sufficient security could be provided for the established church, in the event of the Catholic claims being granted. The constitution was essentially Protestant; it could not bear a Catholic sovereign, and how much less a Catholic minister? He would not say that the obnoxious doctrines were now held by the Catholics; but that they were once the tenets of the Catholic church, was proved by the evidence of all history. Let them give up the doctrine that no one could be saved out of the pale of their own church, and then, perhaps, they might have a chance of success; but till they did this, they could not safely be trusted with political power.

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* The following is the passage in Mr. Pitt's speech of the 31st of January 1799, to which the noble marquis alluded:

"But, Sir, if, on the other hand, it should happen that there be a country which, against the greatest of all dangers that threaten its peace and security, has not adequate means of protecting itself without the aid of another nation; if that other be a neighbouring and kindred nation, speaking the same language, whose laws, whose customs and habits are the same in principle, but carried to a greater degree of perfection, with a more extensive commerce, and more abundant means of acquiring and diffusing national wealth; the stability of whose government—the excellence of whose constitution—is more than ever the admiration and envy of Europe, and of which the very country of which we are speaking can only boast an inadequate and imperfect resemblance;—under such circumstances, I would ask, what conduct would be prescribed by every rational principle of dignity, of honour, or of interest? I would ask, whether this is not a faithful description of the circumstances which ought to dispose Ireland to a Union. Whether Great Britain is not precisely the nation with which, on these principles, a country, situated as Ireland is, would desire to unite? Does a Union, under such circumstances, by free consent, and on just and equal terms, deserve to be branded as a proposal for subjecting Ireland to a foreign yoke. Is it not rather the free and voluntary association of two great countries, which join, for their common benefit, in one empire, where each will retain its proportional weight and importance, under the security of equal laws, reciprocal affection, and inseperable interests, and which want nothing but that indissoluble connection to render both invincible?

Non ego nec Teucris, &c.

The *Lord Chancellor* bore testimony to the merits of the noble lord who spoke last, but he thought it but just to say, that that noble lord had misunderstood what had been said by the noble earl to whom he alluded.

The Bishop of *Norwich* (Dr. Henry Bathurst), rose and said; My Lords, if the noble and learned lord who spoke last had been content to state his own opinion, without asserting that the Catholic Petition was brought forward merely as a party question, and consequently, that those who support it, are actuated solely by party motives; I should very gladly have remained silent: Because, the expediency, the policy, the justice,—I had almost said the necessity—of conciliating the minds of the Catholics of Ireland; of gratifying their reasonable expectations; of acceding to their just demands, upon prudent and equitable conditions for the security of the Civil and Ecclesiastical Establishment, have been already repeatedly discussed in this House, and have also been, as it appears to me, unanswerably proved, by noble lords, far better qualified than I am to do justice to so important a subject:—and especially by the noble earl who opened this debate, in so copious, so clear, and so conclusive a manner, that it would be presumption in me to attempt to add any thing to what he has advanced.

But, my Lords, as it has been very much the fashion of late to represent the advocates of the cause of the Catholics as men who are not only actuated, principally, by party motives, but also, as men who either do not understand or do not value the interest of the established Church;—as a minister of that Church, not less anxious for its real interest than those who make the loudest professions of their zeal, I feel myself called upon to say a few words, in reply to so ill-founded, so injurious a charge:—a charge, however, to which I shall always very willingly expose myself, whenever a proper opportunity occurs of expressing my sentiments in favor of the claims, of so numerous, and so respectable a body of men, as the Catholics of Ireland: claims, which, if granted would, I conceive, give additional energy to the state, and, to the Established Church, additional safety, and duration: claims, which in many other countries, I might say, in most countries, would be readily admitted, without any of that narrow bigotry, that unreasonable distrust and jealousy, which they have excited in this united kingdom. I should be sorry, my lords, to have it thought that I am hardy enough to make an assertion like this, in such an assembly, without having, what appears to me, at least, sufficient authority for so doing. I could wish that those who entertain a contrary opinion, would turn their eyes towards the continent of America: I could wish them to recollect, that marshal Saxe was a Protestant, and that Neckar was a Protestant: I could wish them to call to mind, that the Austrian general, Alvinzi was a Protestant, and that general Wurmser was a Protestant: and it is not long since I read with great satisfaction, in a valuable compilation of documents by an hon. baronet, a member of the other House [Sir J. C. Hippesley] to whom I am greatly indebted for information on the present subject, an edict promulgated by the late emperor of Germany, Joseph the second; in which it is laid down as a maxim never to be departed from, that talents for the due discharge of the various duties of civil and military appointments, are the only qualifications for such appointments; and not the peculiar religious opinions of any sect of Christians whatsoever. When I read an English act of parliament, which breathes a portion of the same spirit, I shall be happy to retract my assertion.

But, my Lords, what is our conduct towards the Catholics of Ireland? Not content with turning a deaf ear, year after year, to the reasonable prayer of the Petitioners; there are many who censure them, and severely too, for expressing those feelings of disappointment and resentment, which they cannot but have, in a language, (as it is said,) not sufficiently temperate; and they have been particularly blamed, for applying the terms 'Intolerant,' and 'Penal' to those restrictive statutes, which still continue in force against them, and of which they have, in my opinion, just cause to complain as harsh, oppressive, unnecessary, and unmerited. I do not, however, wish to aggravate their wrongs, by a vague and angry declamation against intolerance: still less do I wish to weary your lordship's attention, by a tedious common place disquisition, upon so trite, and so revolting a subject. With respect to the term 'penal', it appears to me a mere mockery, a downright quibble, an insult to the common sense and feelings of a man, to tell him that it is no penalty to be debarred from the privileges of sitting in this House, and from many other objects of a fair and honourable ambition, which men of ardent minds, and great abilities, naturally aspire to in every state; and to which, in every free state, they have, I conceive, a right to aspire, (whatever denomination of Christians they may belong to) provided, I mean, that they give to the government under which they live, an adequate security for their conduct as subjects.

Having said thus much, I request leave of your lordships to advert, for a few minutes, to two or three topics, which though, in some respects, of a personal nature, are, notwithstanding, very intimately connected with the subject now under consideration. It has been repeatedly and publicly objected to me, and sometimes with a degree of coarseness and asperity entirely unprovoked on my part, that I have inconsiderately and rashly ventured to differ in opinion not only from those with whom I have the honour of sitting upon the same bench, but also from the two Universities, and the great body of the established clergy. That I differ from those immediately around me, is certainly true; and it is equally true, that I do so with sincere regret. No affectation of singularity, no love of contradiction, can induce any man of common sense to dissent willingly from wise and good men of his own profession. There is neither pleasure nor profit attached to such a line of conduct; conviction therefore, can alone account for it. It is however some consolation to me, that if I dissent from them, I agree with many of those exalted characters and eminent writers, to whom they, as well as myself, are in the habit of looking up with respect, and with veneration, and under whose authority I shall be happy to shelter myself, if your lordships will pardon the apparent pedantry into which I may be led by so doing. I lay, my Lords, no claim whatever to originality; not an argument have I ever urged, either in writing or in speaking; hardly an expression have I made use of, which is not to be met with in the writings of Hoadly and of Locke: in The Liberty of Prophesying, by Jeremy Taylor; in the "Irenicum" of Stillingfleet, and in almost every page of that great man Grotius, particularly in his Votum pro Pace Ecclesiasticâ; and in a more striking manner perhaps than any where, in a very curious and interesting correspondence, which took place between a pious and learned prelate of the Church of England, and the ecclesiastical historian Du Pin, respecting a projected Union of the Gallican Church with the Church of England. The prelate, to whom I allude, is archbishop Wake, whose attachment to the Church of England was never called in question; and yet, in his last letter to his celebrated correspondent, speaking of the religious tenets of the Catholics, he has the following remarkable expressions; which, with your lordships permission, I will give you in his own words: "In Dogmatibus" (says this able friend to our ecclesiastical establishment), "prout à te "candidè proponuntur non admodum dis-"sentimus; in regimine Ecclesiasticâ, "minus; in fundamentalibus sive doc-"trinam, sive disciplinam spectes, vix "omnino." This is, perhaps, going a great way, but be that as it may, your lordships will, I am confident, agree with me in thinking that the candour, the moderation, the conciliatory disposition, shewn by this very eminent Prelate, are widely different from those acrimonious invectives of which we hear a great deal too much in our days from heated advocates on both sides,—but that they are also far better calculated, if not to make proselytes, at least to promote mutual forbearance, love, and esteem; which, are, on all hands, allowed to be objects of primary importance, as they most unquestionably are virtues peculiarly Christian.

Still, however, it may be argued, and to a certain degree fairly argued, that whatever may have been the opinion of archbishop Wake, or of any other divine so many years since, the two Universities, and the present clergy of the established Church, are decidedly hostile to the Petition on your lordships table. That some very respectable members of our two Universities, and some equally respectable among the Parochial Clergy, come under this description, is unquestionably true; but is it not also true, that there are many, very many exceptions to the truth of this assertion? Be the assertion, however, admitted, for the sake of argument, and admitted in its fullest extent, still, if it be brought forward as a reason against the claims of the Catholics, it appears to me by no means entitled to the stress that has been laid upon it; considering the nature of the question, and how very little competent, generally speaking men, of studious, recluse habits are to form a right judgment of great, complicate and comprehensive political topics: I say political topics, my Lords, because the question now before your lordships is not a point of theology; not a difficult passage in either of the learned languages, but a great question of state: a question therefore, not to be settled by divines, or by theorists in their studies; however pious, or learned, or well intentioned; but by enlightened, practical statesmen, such as many are whom I see on both sides of this House.

But, that I may not be thought to flatter the living, I appeal to the dead; and I will venture to say, without fear of contradiction, that the judgment of four such men as Mr. Burke, Mr. Pitt, Mr. Fox, and Mr. Windham carries far more weight with it, upon a question like this, than the judgment of both the Universities, and indeed of all the divines who ever sat in convocation, under the dome of St. Pauls, or in the Jerusalem Chamber, from the Reformation to the present hour.

There is, my Lords, no man breathing, who loves and respects his clerical brethren more than I do; nor is there a single bishop on the bench who has cultivated a more general acquaintance, or closer intimacies, with men of his own profession; indeed, the far greater part of my life has been passed among them, and happily passed; but with all my partiality for them, I never for a moment conceived, either myself, or them, to be statesmen, or politicians, nor do I believe that the wiser part of this very valuable body, will be displeased with me for denying their claim to a character which does not belong to us; a character, with which we cannot possibly have too little to do. Opinions like these I shall perhaps be told, (indeed I have been told, by a few overheated or ill-informed zealots,) that opinions like these, evince, both in myself and in others of far more consequence, a want of cordial attachment to the established Church and to its ministers. Upon this point, therefore, I wish, my Lords, to be particularly explicit, and in my situation, it is highly incumbent upon me to be so. If by attachment to the established Church and to its ministers, be meant a firm, deep rooted conviction, that the Church of England, both in faith and in worship, in doctrine and in discipline, is the most pure, and truly apostolical Church, in the Christian world; and that its ministers are, with very few exceptions as intelligent and as irreproachable a body of men, as any in the kingdom; there is no man living who is more cordially attached, than I am, to the established Church, and to its ministers. But, if not satisfied with this declaration, if I should be called upon by any one, to declare further, without qualification or reserve, that those who dissent from us are grossly ignorant, or wilfully perverse; that they are not fit to be trusted, either in civil or in military situations of high responsibility; nor even to be believed upon their oaths; if I should be called upon to declare, that nearly two thirds of civilized Europe, have adopted a creed, which is little better than a tissue of absurdity and idolatry; if I should be called upon to declare, that a Fenelon, and a Pascal, men as remarkable for their power of reasoning as for their genuine piety, professed their belief in religious tenets which have no foundation whatever either in reason or in scripture; if, in short, I should be called upon to declare, that many persons now living as sincere and as pious Christians, as loyal and as good subjects as the best of those who hear me, have also subscribed to tenets of such a description; and not only so, but have anxiously endeavoured to impress these tenets upon the minds of their nearest and dearest relatives, as the best guides of life and the surest consolation in the hour of death; if I say, I should be called upon to make declarations of this kind as the only way of proving my attachment to the established Church, and to its ministers, I very frankly own that I disclaim so exclusive, so uncharitable an attachment; I never professed it, I do not feel it, nor, to speak plainly, do I greatly envy those who do.

I beg your lordships pardon for having talked so much of myself, and for having presumed to lay before you the leading articles of a creed, which I am now much too old to change, nor in truth, if I were given to change, do I know where to go for a better—for one, I mean, better calculated to promote individual happiness, and at the same time, that public union of heart and hand, if not of opinion, which is so loudly called for, and at the present very serious crisis, so much wanted: that real affectionate union, I mean, which is the "very bond of peace, of perfectness," and an unassailable bulwark of security, prosperity, and permanency to, I verily believe, the purest ecclesiastical establishment, and the best form of civil government, in the universe.

The Earl of *Buckinghamshire* said, he did not rise for the purpose of answering the speech of the right reverend Prelate, but to state the ground upon which he should resist the motion for going into the Committee. He must always be of opinion, that so long as the Catholics acknowledged a foreign supremacy in spiritual matters, it would not be possible to allow them to make laws for the people, or to have a share in administering the government of this country; nor could he agree with the noble marquis (Lansdowne) who had spoken with his usual ability, that by the quiet submission of the Catholics for the last ten years under the rejection of their claims, they had substantially removed any of the objections, or established additional argument for the accomplishment of the object of their Petition. It might as well be urged, that the advocates for the wildest notions of Parliamentary Reform, universal representation for instance, should ultimately prevail, provided the occasional failure of their efforts to carry it in parliament should not be followed by the disturbance of the public tranquillity. His lordship then proceeded to draw the attention of the House to the doctrines and principles which had recently been promulgated upon the subject of religious liberty, and Catholic rights, which he described as of an alarming and dangerous tendency. Without entering further into that subject his lordship said he would observe, that if the rights asserted, existed now, they must always have existed, and every man who had forfeited his property on account of his religious tenets, had in that case been unjustly dispossessed; that even the right of the House of Brunswick to the throne would be shaken to its foundation by such a doctrine, for that right rested upon a principle in contradiction to this assumed religious right, and was incompatible with it.—Lord Buckinghamshire could not, with the right reverend prelate, look at the conduct of foreign governments as affording an example for this country to follow. He could see nothing in the proceedings of any of them which called for our imitation. Whilst they had successively fallen under the power of France, we had maintained our honour and our independence. The storms that had ruined other nations we had weathered. Whilst they were sinking, overwhelmed by the torrent which had poured down upon them, we had resisted its force, and were enjoying a degree of happiness and prosperity almost unexampled. Such was our situation, and to no circumstance was it more decidedly to be attributed, than to our having steadily determined to preserve the constitution from the daring hand of innovation, and especially to oppose any attempt to violate those principles which were wisely established at the Revolution. He trusted, their lordships would not relax from the firmness they had manifested, and from which they had derived advantages that were inestimable. Lord Buckinghamshire said he could not sit down without adverting to a topic which had been introduced into the speech of the noble lord (Longford) who spoke second in the debate. He alluded to the address of the Catholics to the Prince Regent for the removal of the King's representative, on account of an alleged interference with the right of petitioning their lordship's House, although it was perfectly known at the time, that no such interference was intended. Lord Buckinghamshire did not mean to question the right of any part of his Majesty's subjects to address the executive government upon proper occasions; but there was something in this proceeding extremely questionable, and when he observed the Catholics just at the dawn, as they supposed, of arriving at the attainment of their professed objects, pursuing a course so calculated to excite alarm, he must say that all the apprehensions he had ever entertained of what their conduct would be, if sufficient power was placed in their hands, had been confirmed and strengthened.

The Earl of *Aberdeen* would confidently appeal to the House, whether the present situation of the country was such as to render it proper to accede to the present application. To that part of the noble marquis's (Lansdowne) speech, he could not but differ, agreeing as he did most cordially in most of the sentiments that night delivered by him. Although he should feel himself bound to vote against the motion on the present occasion, he was convinced that a time would come when the Catholics would ultimately succeed. He could not but lament, however, that the Irish Catholics had not imitated the example of their English brethren in their exemplary and meritorious conduct, who possessing, many of them, rank and wealth, and with every claim to the favour of the House, had yet abstained from pressing any petition similar to that at present on their lordships' table. If this question were of material importance to the present safety of Ireland, their lordships would not be justified in any delay; but it would not be believed, he maintained, by the most sanguine advocates for the Catholics, that the immediate effect of the present measure, if acceded to, would be important to that country. The noble earl who opened the debate had detailed the services of the Catholics, and the readiness with which they would make every requisite sacrifice that might be demanded from them. He had no intention to depreciate the services of the Catholic body, but he must observe, that there was much to reprehend in their conduct; that they had shewn a want of unity and a spirit of dissension among themselves; and that by their obstinacy, and their desertion of former pledges, their conduct was but little calculated to conciliate those who might be disposed to look with a jealous eye towards them.

Earl *Spencer* expressed his satisfaction, that the noble earl who had just sat down had shewn himself a warm and anxious friend to the sentiments expressed in the petition on their table, though he might differ as to the propriety of the present application. He was happy to find that the noble earl's view differed entirely from that of the noble and learned lord (Redesdale) who delivered his sentiments early in the debate. That noble and learned lord had stated a circumstance which made it necessary for him to trouble the House at present. He had told their lordships that a great statesman, now no more, had not quitted his situation on the grounds upon which the public generally believed he had quitted it, and which he must take the liberty to say, were not only believed by the public, but by those with whom that great man had been several years in office, of whom he unworthily was one. He had been six years connected with that person, and whatever share of his confidence might be enjoyed by the noble and learned lord, he thought it would not be presumption in himself to state, that he was in a situation to have so much of his confidence as to be able distinctly to declare, that this was not only the opinion of the public, but the opinion of his colleagues. He had also the strongest reason to believe that the grounds assigned for his leaving office were the only grounds for his doing so; and it was on these grounds that he had thought proper to join with him at that time. It was of little consequence, indeed, what were the motives and what the conduct of himself at that period; but he could not help feeling a regard for the memory of that illustrious statesman, with whom though he had at some times differed on some material points, it was the greatest honour of his life to have been connected. This was the true ground of the resignation of that great statesman; and he could not help thinking that, except for a cause of such importance, he would not have been justified in leaving his Majesty's service at that critical moment.—He thought he should not have done his duty if he had not noticed the statement of the noble and learned lord, which differed entirely from what was his own understanding of the matter. He would appeal to a noble earl who had come in since the declaration alluded to, (earl Camden,) whether the grounds which he had stated as those by which Mr. Pitt was actuated at the period of his resignation were not the real grounds of that resignation.—He did not wish to enter into the consideration of the Catholic question, to which he felt himself unable to do justice; but as a reference had been frequently made, in the course of this and former debates, to the measure of the Union, and to the pledges then supposed to be given to the Catholics, he would say that undoubtedly those who were concerned in that measure, did contemplate a greater facility in the Union of the two countries for the admission of the Catholic claims, than while they remained separate. He did not say that any distinct pledge had been given to the Catholics; but that was the conviction which he, for one, entertained at the time, and entertaining such a conviction, he was bound to profess it. On this subject differences did indeed exist in his Majesty's councils; but all along it had been his opinion, that the difficulties in the way of the Irish Catholics would be greater when not united with this country, and that the great measure in their favour would be much easier carried through in a united than in separate parliaments.

Lord *Redesdale* explained what he had said respecting Mr. Pitt's opinions, and mentioned that Mr. Pitt, in conversation on this subject, admitted the difficulties to be so numerous, that he did not see how to provide the means of accomplishing his object.

Earl *Camden* corroborated the statement of earl Spencer respecting the reasons assigned by Mr. Pitt for his resignation. He also stated, that no specific pledge had been given at the Union.

Lord *Grenville* rose, and with considerable animation said, that he felt the call on the friends of Mr. Pitt in that House irresistible. The substance of what the noble and learned lord had said was, that he was satisfied that other causes than those which Mr. Pitt had himself assigned publicly produced his resignation. Now, he would appeal to all, not only to those who like himself were attached to that person by the ties of friendship and of blood; to those who were attached to him by long official connection, and friendly intercourse; but also to those present who differed with him through almost all his political life, whether he had left that character behind him, which could give credit to an imputation, that in that awful moment of our public affairs he deserted his duty to his king, to his country, and to the whole civilized world, on motives different from those of which he had distinctly made the public avowal? That illustrious character was now dead, and incapable of repelling the charge. The noble lord, though he felt himself inadequate to do it as he wished, yet conceived it his duty to attempt it. He left it to any man, particularly to the friends of that great statesman, to say, what other reason they had ever heard him assign. The mind of his departed friend was peculiarly undisguised; he had lived with him not only in daily intercourse of business, but in exchange of private friendship; and he could have no possible suspicion of any other grounds of retirement than those agreed on between Mr. Pitt and himself, and which they had so stated to the two Houses of Parliament, namely that they found themselves unable to propose to parliament, with the sanction of government, a measure of great benefit, and indispensable duty; more particularly so at that important period. It was not merely the general question that they were then to bring forward, but the great object, was, the taking the time in all respects the most favourable for carrying the measure into execution. The great opportunity was lost by the misguided counsels, and the wicked misconceptions imposed on the mind of the sovereign. An opportunity was thus lost that would never be restored. He did not, however, despond; he believed the period of success to be fast approaching, as the nature of the question was more more understood; but when accomplished, it could not be expected to produce one half of the advantages that it must have produced, had the councils of Mr. Pitt on that subject been followed at that auspicious moment. His own sentiments were so well known on this question, that when he came into the House, he little thought he should find it necessary to do more than to express his opinions by his vote: but what he had heard from the noble and learned lord compelled him to rise, and repel a blackening charge against the memory of his departed friend utterly groundless. He should sincerely vote for the present motion.

The *Lord Chancellor* said, that he had always entertained so sincere and rooted an opinion upon this subject, that though he might expose himself to be called a bigot, he would never suffer the motion for going into a Committee upon it to pass, without declaring his sentiments. He was grieved exceedingly at much of what had already taken place during this debate. He rose merely to re-state his former opinions. The noble lord who spoke last had lamented that this measure had not been carried after the Union, and had spoken of the opinions of the late Mr. Pitt. He had not, at that time, the confidence of that great man, to whose name and memory he believed he had shewn as much attachment as that noble lord or any other; but some time afterwards, for several years, he had enjoyed that confidence, and he could say, that in many, many conversations with him on this particular subject, he had taken the opportunity of trying to learn from him what was the nature of the securities and safeguards which he had to provide in case of granting such claims, and of telling him that he could not 'shift his foot from the solid ground of the constitution, till he told him in what they consisted. He would aver upon his honour, with all due respect for that great man, that he never could tell him, what were, in his own opinion, those securities and safeguards which he meant to provide for the Protestant establishment. (A laugh). Noble lords might laugh if they pleased, but such was the fact. The objection he took was strengthened by a publication of the noble lord who spoke last (lord Grenville's Letters) in which there was much about the subject of safeguards: but he had never heard of any but one, and that was the Veto, without which it appeared the noble lord would not agree to the claims, and which the Catholics would not consent to grant. He had heard of no other. God forbid he should refuse to any class of his Majesty's subjects privileges which it would be safe to concede to them. But it was quite different to discuss specific propositions, and, after such a debate as that, to go into a Committee upon general grounds, when they might only raise unfounded hopes, and excite groundless fears. He anxiously asked to know, what the safeguards consisted in; then he should understand the matter better. When he looked into the law books, civil, canon, or otherwise, or into the common prayer-book, though on such a subject it might be sufficient for a reverend prelate, he, for his part, as a lawyer, could not take the opinion of Mr. Fox, for whose name he had much respect, or of Mr. Pitt, or of Mr. Burke, or of Mr. Windham, as conclusive on the subject. The Revolution of 1688 was founded on a belief that certain tenets existed which precluded persons holding them from power, and the existence of those tenets was now denied. We had therefore been guarding the constitution by various laws, and now we were told that supremacy meant nothing. He hardly could tell where he was; he could not think himself in a British House of Lords, when he heard some things uttered that night. He had read something of archbishop Wake, having himself been, in early life, intended for the church, and he could quote him page by page with other noble lords. He could also quote Fenelon on some of these subjects. He could hear of nothing as a security but the rejected Veto. Was he too rash, in standing upon the constitution of England, and the principles of the Revolution, which united and knitted together a Protestant State and Constitution, and a Protestant church establishment, for the express purpose of handing them down together, with all their benefits, to our remotest posterity? Would their lordships consent to alter the establishment at the Revolution, by consenting to a motion, which could only create uneasiness and disappointments? He might be called a bigot, and very likely a monk: but he had only in answer to this, to say, "give me your distinct propositions, explain to me your safeguards and your securities, and then I will most anxiously consider and examine them, on their own grounds, and see what can be done; but I will not consent to go into a Committee, on any general statement of a petition."

Lord *Holland* fully concurred in the definition of the noble and learned lord on the nature of civil and religious rights. They belonged naturally to all classes, and when withheld, the *onus probandi* lay not on those to whom they were denied, but on those by whom they were refused. Upon this principle, then, all parties were agreed; and he was happy at it, because it was one on which he had often been misunderstood. And, indeed, although he certainly thought that the discussion of abstract rights was generally to be avoided, yet there were occasions, and this was one of them, when an understanding and concurrence in fundamental principles was indispensibly necessary. The noble and learned lord had founded himself upon the Revolution; he believed that if his education had not been of that nature, as to enable him to cope with that noble and learned lord in all the depths of legal knowledge and research, it had at least disposed him to regard with an admiration surpassed by none, that great and glorious event. The noble and learned lord had, in his observations, libelled the character of the Revolution, and entirely misrepresented the causes that produced it. What! was it to be said that it originated in a dispute between contending sects! Was it, indeed, to be traced even to the question of a Catholic or a Protestant king? No, very far from it. It was a great struggle between tyranny on the one hand, and freedom on the other; it was a contest between king and people. Let the issue be searched for in the Bill of Rights, which gave the death blow to that famous doctrine, that the interests of the governed were secondary and subordinate to the interests of the governors. The noble and learned lord (Redesdale) however, whose legal habits might have rendered his conclusions more correct, had ventured to assert, that the repeal of the Test Act would overturn the Bill of Rights. He challenged the noble and learned lord to shew it. Did he remember, that at the time of the passing that act, a motion was made to prohibit any future alterations in its provisions, and that this motion was lost by a large majority? or had he forgotten, that when the Union itself was under discussion, a proposal to make the Test Act a part of the Union, was likewise rejected? The noble and learned lord had said, that all the essential parts of our constitution were Protestant, and that it had been secured by the Test Act. During the long struggle, therefore, which had taken place in this country between Catholic and Protestant, it was not till the passing the Test Act that the country had a constitution. The reasons of the noble and learned lord against the motion for a Committee, appeared to him to be the best arguments for it, and nothing could be more unreasonable than to require all the details which might be there entered into, to be laid before them as a preliminary to the appointment of the Committee. The noble lord who spoke second in the debate, objected to the mode of proceeding by Petition. Was not this proceeding then the unalienable right of the subjects of the empire? The noble lord said also, that the present was an improper time, and that at another period his objections might be removed. He (lord Holland) was apprehensive, however, that in thus wishing for more time, the noble lord was anticipating an opportunity of finding out some better arguments on the same side, than those which he had urged that night. The noble and learned lord (Redesdale) although he had carried his warmth to an excess, had evidently misunderstood the noble mover, who had never intended to accuse him of partiality in his judicial duties. In that noble lord's remarks on the treaty of Limerick, he must say, that however warm a foe he might be to his holiness the Pope, he doubted if that Pontiff had ever proved himself a greater enemy to oaths and treaties than the noble lord himself. What did the history and result of that treaty prove, but that the Irish Catholics, after surrendering their last hope, had been wronged of the conditions in their favour, upon the flimsy pretence, that the sanction of parliament was wanting to them? Without referring to the supposed declarations of individuals, or to any implied pledge, he felt himself justified by an appeal to the letter of the statute of the Union. He had been the first to press the claim of the Catholics on the attention of the House after that event, and was then told by several noble lords, that he had produced no petitions to shew that it was the desire of the people at large. The noble and learned lord had said, that he never could extract from Mr. Pitt his opinions as to the securities required. But the noble and learned lord would surely not consider the silence of Mr. Pitt, to his enquiries, as evidence against his declarations and avowed opinions at different periods. As to safeguards, it would be most absurd to go in search of questions for controversy even before the House had signified or expressed any disposition to concession. The noble and learned lord would have done better in proving this to be a question of theology, than in sneering at the right reverend prelate for stating that he considered it merely a political one. The noble and learned lord was astonished that the king's supremacy should have been said to be not universally acknowledged in this country. Did he forget or overlook the Kirk of Scotland, in which it was a fundamental doctrine to deny that supremacy? He was happy to find that noble and learned lord so well versed in the Prayer-book, and as he said he looked for Catholic tenets in the decrees of Catholic councils, he begged to ask him, whether he had never discovered any thing in the Prayer-book hostile to the Bill of Rights? He believed that it would be impossible to discover any thing more destructive of political liberty than the Homilies in the Bishops' Book, in which, among many other similar sentiments, it is declared that the king is the vicegerent of God on earth. A decree of the University of Oxford might be quoted, in which it is promulgated, that whoever should deny this, should be guilty of blasphemy. Why, then, search musty records for the decress of ancient councils, and apply them to modern circumstances?—It was curious to note the different expedients employed at different periods to put down Popery. In Henry 8's time, it was by burning, a practice which prevailed some time, and at length, in Charles 2's reign, exclusion was resorted to. A Protest signed by lord Shaftesbury and many others, was entered against the Test Act, which protest stated, that a seat in that House was so "sacrosanct a right," that no government could interfere to take it away. The debates in the Lords on this subject were conducted with disgraceful heat and acrimony, and the Commons even proceeded to blows. The grossest absurdities were there uttered, and cheered as the groundwork of a superstructure worthy of it. But it was now said the object of continuing this law was to guard us from a foreign power. Even here, however, there were more cats than could catch mice, for the test imposed required a disavowal of any belief in transubstantiation. He should be glad to know if any of the noble lords, the champions of the Church, would have ventured to propose this test to Henry 8. The whole history of the test laws reminded him of a farce, in which a physician is applied to, to prescribe for an ostler, and inquiring what had been done yesterday, is told that the horses on the left had been bled, and those on the right had been purged. 'Oh! then,' said he, 'bleed those on the right, and purge those on the left.'—He must now beg leave to say a few words with respect to the time, and in support of his own opinion that the present was most proper, was most advisable. For twelve years many who had professed themselves friends to the Catholic claims, had as uniformly opposed them on the ground of the unfitness of the time whenever they were advanced. He knew this was a subject of delicacy, but the period might come when it would be roughly handled if too long deferred. Greatly did he rejoice at our victories in Portugal; but if, instead of his brilliant achievements, lord Wellington had been under the necessity of re-embarking his army, what might have been now our situation, the French having possession of Cadiz, of Lisbon, of Ferrol? and with how much less grace and dignity might we have found it necessary to concede the claims of the Catholics, than at the present moment, when no misconstruction could be put upon the boon? If there was one criterion more certain than another of the truth of human judgments, it was to be found by placing ourselves in other circumstances and in other times. What, he would ask, were the sentiments of ministers on learning that, by a large majority, the Cortes had refused to appoint a British officer with a command over Estremadura, and adjoining provinces? Did they not exclaim, what strange and extravagant notions? Did they not vent their surprise, that any set of men, at a crisis so big with their fate, should be so stupidly bigotted as to apprehend any danger to their religion from the appointment of lord Wellington?—'Mutato nomine de te fabula narratur.' Doubtless the ministers had condemned the unfounded and ridiculous alarms of the Spaniards in South America, and had said in their hearts, that all this might have been well in the reign of Philip 2, but was most extravagant and absurd in the circumstances of the present period. Let the House then take this vital question into calm and dispassionate consideration; let them remember the recorded sentiment of Mr. Burke, that "no free constitution could ever be supported by exclusions; sooner or later the government must destroy them, or they will destroy the government." For his own part, he would not hesitate to avow, that if he did not enjoy in as large a degree as his fellow-subjects all the privileges of the constitution, although he should certainly feel it his duty to give it his support, it would be with less attachment, and with very different feelings from those which now actuated him.

The Earl of *Westmoreland* said, that until a distinct plan was previously laid before their lordships, stating the securities by which the integrity of the Established Church was to be maintained, he thought it premature to ask their lordships to go into a committee.

The Earl of *Moira*, in a short speech, supported the motion: he said that in all that had been urged that night by the noble lords who opposed it, he had not heard one new objection started, and in the old ones that had been repeated, not one argument. It had been said by one noble lord that the Irish Catholics were not generally anxious for the object now claimed in their behalf. He knew not why their own Petitions should not be admitted as evidence of their sincere and constant wish upon that subject? but, independent of that evidence, was it to be pretended that it was in human nature to be indifferent to persecution, unless, indeed, noble lords would argue as did a fox-hunter, in whose company he once heard an argument against the cruelty of hunting. The fox-hunter admitted that the hunting of hare or deer was cruel, but that of foxes was not so, because, in his judgment, the fox liked to be hunted. He denied the necessity of that previous stipulation on the part of the Catholics which had been contended for; the Catholics came before their lordships, not as Catholics but as British subjects, to claim their share in British rights, and the burden of proving them unfit for such share lay on those who opposed their claim to it. The Act of Toleration had been relied upon; but what was that act but a recognition of right. Another objection had been made to the time. He thought that the work of conciliation could not be entered upon too early. It was too of all things desirable, if the claims of the Catholics were to be acceded to, that they should be granted as the gift of our justice rather than as extorted from our necessities. As to any danger to be apprehended from those concessions to the Established Church, he thought that such an apprehension was, of all others, the most idle. He looked upon the Established Church as holding forth the best standard of religious freedom; and he, as a sincere admirer of that establishment, would be the last man to support what he conceived to be likely, in its remotest consequence, to injure, much less endanger it. The motion of his noble friend should therefore have his most cordial support.

Earl *Grey* said that he was confident their lordships would acquit him of any intention at that late hour, and after such a debate as they had heard, of rising to add any thing to the reasoning or observations which had been urged in support of the present motion. He rose for no such purpose. All that he might have originally intended to have urged that night had been so completely forestalled by the most convincing and eloquent speech of his noble friend who had opened the debate, and by those noble lords who followed on the same side, that there was nothing new left to him, but to re-assert his entire concurrence in their sentiments. He differed from the observations of the noble lord on the woolsack, respecting the Revolution. He denied that the principle of that glorious event was one of mere exclusion, on the ground of religious jealousies, or establishing upon any such narrow ground the connection between church and state; the grand principle was equal rights and privileges to all their fellow subjects. Mr. Pitt's name and authority had been resorted to frequently in the course of the debate; he thought that some of the noble lords who had appeared most anxious to support the memory of their deceased friend, had not been very happy in their manner of doing so. One noble lord had stated, that the public motive generally assigned for Mr. Pitt's retirement from office in 1801, was not the private motive which had really actuated him; while another noble lord had declared that he never could learn from Mr. Pitt what were the grounds and securities which he had proposed to himself as the best means for preserving the established Church from all danger. What inference did the noble and learned lord draw from this?—With respect to that part of the question respecting the Veto, he should only say that that question might be in itself a sufficient warning to others, not to be too ready to submit plans upon the subject before they had gone into the Committee; as to what had been said, with regard to the claims of the English Catholics not having been repeated this year, he had to acquaint the House, that it had been left by that respected body to his discretion, to determine whether their Petition should be presented that session; but of this he could assure their lordships, that the English Catholics felt common cause with the Irish Catholics, and were most cordial well-wishers to the success of the present Petition.—But he now came to that which he confessed was the chief, if not the sole cause of his having then risen to trespass upon their lordships. He had listened to certain observations in the speech of a noble and learned lord (Redesdale) with the greatest pain. He assured the noble and learned lord he had acted under a great misconception. He had listened with every possible attention to the speech of his noble friend the mover; it was indeed a speech that commanded attention; and he would venture to declare, that, throughout it, there was not a word to warrant the misapprehension of the noble and learned lord. He trusted that the noble and learned lord would gladly seize an opportunity to explain expressions, that could have dropped from him only under the mistaken apprehension of a very heavy charge.

Lord *Redesdale* thanked the noble earl for the handsome manner of his interposition. He had certainly imagined that the noble earl who opened the debate had made a strong allusion to the discharge of his judicial duties, when in a judicial station in Ireland; but when, in answering that supposed charge, he had said that many of the Irish Catholics themselves could prove it to be false and unjust, nothing was more distant from his intention than to impute to the noble earl any design of knowingly preferring against him a charge which he at the same time suspected to be groundless. This he had never intended to say; and if the words he had used had given rise to such a construction, he apologised for having used them.

Earl *Grey* congratulated himself and the House upon the promptand ingenuous explanation of the noble and learned lord. He had no doubt that his noble friend in his reply would meet it with corresponding good will.—The cry for question then becoming general,

The Earl of *Donoughmore* said, that as every argument which he had already offered remained unanswered, and as they had been so well and ably confirmed by the reasoning of his noble friends who followed, he felt it unnecessary to trouble their lordships with any reply. With respect to a matter that had occurred in the course of the debate, and which personally alluded to himself, he hoped he knew too well what he owed to those who had honoured him with the high trust reposed in him, to have suffered any feelings of a private nature to have mixed with and disturbed the discharge of a great public duty. Nor should he now have at all alluded to the circumstance itself in that place, had it not been for the full and candid explanation just made by the noble and learned lord. Indeed, when the noble and learned lord was adverting to what had fallen from him, he was on the point of correcting the misconception, when a term fell from the noble and learned lord which he thought necessarily closed his mouth. He had certainly alluded to the judicial capacity of the noble and learned lord, but not for the purpose of charging him with a corrupt administration of it, but merely to designate him when that noble and learned lord was in Ireland. He had materially differed from that noble and learned lord, in many of his political principles, but he never questioned the purity of his administration of justice. He expressed himself satisfied with what had just fallen from the noble and learned lord, and returned his acknowledgments to their lordships for the patient attention with which they had honoured him.

The House then divided,

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HOUSE OF COMMONS.

Tuesday, June 18.

Petition of Mr Drakard concerning Informations ex officio for Libel.] Lord Folkestone presented a Petition from Mr. John Drakard, setting forth:

"That the petitioner is proprietor, printer, and publisher of a newspaper called Drakard's Stamford News, which is published in the town of Stamford, in the county of Lincoln; and that he has recently been prosecuted by the King's Attorney General on an information, *ex officio*, for publishing in the said newspaper an article on Military Punishment; and the petitioner further states, that he was found guilty, at the last assizes for the county of Lincoln, of the charges laid in the information against him; and that, in consequence of his conviction, he has been sentenced to eighteen months imprisonment in the gaol for the said county, to pay a fine of 200*l.* to the King, and to give security for his good behaviour for three years, himself in 400*l.*, and two sureties in 200*l.* each; and that the petitioner, deeming himself and in his person the principles of the constitution and the security of the subject injured by the proceedings of the law officers against him, brings his complaint and prayer for redress before the House, humbly conceiving that he thereby acts in perfect conformity with the spirit of British law, according to which, the House, elected by and representing the people, is to be considered as the people's peculiar guardian and defence against abuse, from whatever quarter it may proceed; and the petitioner, in justification of the step he has taken, and prompted by a feeling of gratitude, recalls to the recollection of the House the many former instances in which the Commons of England, assembled in parliament, have interfered with effect in behalf of the liberties of the subject when endangered by proceedings in the courts of law; of which liberties it is highly probable not a vestige would at this day remain, had it been adopted as a principle that the decisions of these courts should ever be permitted to rest undisturbed; nevertheless, the petitioner begs to disavow an intention to cast any imputation on the jury by whom he was tried; he too highly venerates the right of trial by jury to question the integrity of jurymen; but the petitioner submits to the House, that, in cases of prosecution by his Majesty's Attorney General, on information *ex officio*, the peculiar disadvantages under which the defendant labours, which which arise from the practice of the courts, are so many and important, that innocence has but small chance of clearing itself; which circumstance, the petitioner humbly submits, render, it very necessary that the House should exercise a vigilance and controul over the proceedings in such cases, for otherwise the judges, who will allow no one to question or gainsay the practice of their courts, might, under cover of regulations, violate the fundamental principles of the law; and that the petitioner, therefore, without impeaching the verdict of the jury that tried him, grounds a complaint to the House on the following circumstances, connected with his prosecution by the King's Attorney General, believing them to evince a determined hostility, on the part of certain persons now in power, to the right of freely discussing the measures of government, which by law belongs to every British subject; and the petitioner prays for such redress as the House may, in its wisdom, think proper to grant, and offers to prove the truth of his several allegations whenever the House may be pleased to call upon him so to do; and that the petitioner submits to the House, that the article, for publishing which he has been convicted and punished, was, with the exception of a few sentences that in no way alter the general import of the whole, copied into another newspaper, the proprietors of which have also been prosecuted for such publication by the King's Attorney General, but have been, by a jury of their country, fully acquitted of criminality; and the petitioner declares that, after a jury had thus pronounced the article in his newspaper, for publishing which he is now in prison, to be, in all its important parts, perfectly innocent, it was again put on its trial before another jury, who have pronounced it criminal; the petitioner submits to the House the impropriety and indecency of such a proceeding, tending, as it evidently does, to shake the confidence of the public on trial by jury, by opposing two juries the one against the other, and leading of necessity to the conclusion that an act of injustice has been in one case committed; and that the petitioner denies to the House what was alledged against him on his trial, namely, that the strongest passages in his publication were omitted by the parties who copied the greater part of it, and, as a proof of the fallacy of such a plea, submits that the extracts were prosecuted by the King's AttorneyGeneral, as well as the original, which extracts, however, were by a jury acquitted of the guilt which the Attorney General imputed to them; and the petitioner further submits to the House, that the information filed by the Attorney General against him, did contain, in several separate counts, the respective passages in the article prosecuted which were deemed chiefly to evince the criminal intention of the publisher; and that all these passages, so deemed highly criminal, were extracted and published by the parties who were acquitted; and that no one passage which these parties omitted to extract and publish was included in a separate count of the information filed against the petitioner; the petitioner submits that this circumstance clearly proves that, in the estimation of the Attorney General himself, the article convicted at Lincoln contained nothing of a more dangerous nature than that which was acquitted by a jury in the court of King's-bench at Westminster; and the petitioner feels confident that the House will learn, with great concern, that the publication pronounced innocent by one jury, but for which the petitioner is fined and imprisoned, was intended to inculcate the propriety of effecting that alteration in the military law of the land which the House has since in its wisdom effected; and it will no doubt excite the just jealousy of the House, which represents the Commons of the country, to find the King's Attorny General pursuing a severe punishment the publisher of an argument intended to pave the way for, and to recommend to the public, a measure since adopted by parliament; and the petitioner submits to the House, that no such thing as free discussion can exist if the law officers are to take advantage of the zealous manner in which a discussion may be conducted, the principle of which is to attack and expose a long-standing but generally-acknowledged abuse; and further, that whatever blame may attach to such discussion ought chiefly to fall on those persons concerned in the executive, who, by continuing the abuse, have provoked the warmth of the attack; and the House will no doubt be sensible that, in proportion as such attack is likely to be effectual, it will occasion an irritation and desire of revenge in the breasts of those concerned in the abuse; who, even if compelled to abandon it, will yet exert themselves to punish those by whom they have been driven to so disagreeable an expedient; and the petitioner further submits, that the uncertainties and contradictions of the law of libel, with the numerous advantages given, by the practice of the courts, to the king's Attorney General in cases of information *ex officio*, furnish ample means to gratify the displeasure so entertained by persons in power, to the great injury of the subjects right of free discussion, which the House is in a peculiar manner called upon to protect; and the petitioner states to the House, that, by severely censuring the frequent infliction of the disgraceful and savage punishment of flogging, as used in the army before the late alteration in the law, he has but imitated the example of the first officers in the service, who have, in publications given by them to the world, described such punishment in glowing language, as destructive of our military strength, and injurious to our national character: These officers have deemed it their duty to enlarge on the horrible and disgusting circumstances attending military flogging, in order to raise public indignation against its continuance: they have specified particular regiments as the worst in the service, and have attributed their inferiority to flogging: they have alluded to others as the best, and have traced their pre-eminence to exemption from flogging: In short, they have done all that the petitioner has done, but they have not been fined and imprisoned, they have, on the contrary, been raised to the highest honours of their profession; and the petitioner appeals to the House whether it be consistent with the principles of the British constitution, that what is deemed laudable in persons of high rank shall be held criminal in one of inferior station: It was stated by the king's Attorney General to be truly laughable for the printers of newspapers to expect that the same credit should be given to their motives which was justly due to the intentions of general officers; but the House deriving its existence from the people, and of whom it has been said by a respected statesman, "the virtue, spirit, and essence of which, consists in its being the express image of the feelings of the nation," will deem itself called upon to protect the people from the effects of so unconstitutional a maxim; and the House will doubtless learn with great concern, that the judge who presided at the trial of the petitioner countenanced and supported this principle, so utterly repugnant to the spirit of freedom; and farther, laid it down to the jury that the measures of the government were not to be censured out of parliament; and that the petitioner, as the citizen of a free state, protests against this doctrine, as subversive of his legal rights, which he is determined to uphold at all hazards, in humble imitation of the patriots of former times, who in defiance of prosecutions and punishments, maintained those immunities which by law belong to the subject, but which by lawyers have been frequently questioned and endangered; and the petitioner recalls to the recollection of the House that those blessings which afford persons in power a subject for panegyric, have only been attained after a hard struggle with the existing authorities, and that the individuals most instrumental in attaining them have generally incurred the fate of the petitioner, by the voice of the judges; and the petitioner further submits to the House that it was falsely represented to his jury for the purpose of prejudicing their minds against him, that he had manifested an attachment to the cause and person of the enemy of his country, Napoleon Buonaparté; the petitioner did, in consequence, bring forward, in an affidavit made by him in mitigation of punishment, numerous and convincing proofs to the contrary; and that the said Napoleon Buonaparté had ever been held out to abhorrence in the petitioner's newspaper, as the foe of liberty and of human happiness; and in consequence of certain other charges falsely brought against the petitioner, he further proved in his affidavit, by extracts from his newspaper, that he was warmly attached to, and had ever inculcated a high respect for the constitution of the government, including the kingly office as one of its most essential parts; and in contradiction to other calumnies urged against the petitioner to his jury, and which no doubt, had the effect of unduly prejudicing their minds against him, his counsel being by the practice of courts denied leave to refute them at the time, the petitioner further proved in his affidavit by extracts from his newspaper that he was no common libeller, that the liberty of the press had never been dishonoured in his hands, but that the discussion in his newspaper had ever been conducted in an impartial manner, according to the petitioner's sincere conviction, with regard to pecuniary profit; and the House will learn with surprise that this affidavit, containing passages in reprobation of the relentless despotism which now oppresses Europe, induced the judges of the court of King's Bench, when passing sentence on the petitioner, to accuse him of a new and unheard of offence, the offence of having published libels against an alien power, with whom this country is now at war; and that the House must be sensible that this charge cannot be warranted by law, and the petitioner appeals against the injustice of accusing him when on his trial of being a friend to Buonaparté, and in consequence of his refuting the calumny, charging him when brought up to be sentenced, with libelling that person: and that the House will perceive that the judges of the court of King's Bench, by accusing the petitioner of having libelled the enemy, inasmuch as he has disapproved, in strong language, of the despotic principles practised by the government of France, have declared their opinion as to what constitutes the crime of libelling, which opinion doubtless regulates the charges given by them to juries when questions of libel came before them; and the petitioner submits that this declaration contains a sentence of death against free discussion, for if it be libelling to censure so gross a tyranny as that exercised by Buonaparté, what hope is left that we shall be permitted to expose the faults of our own government; and if we have no such permission, how can we be said to possess the right of free discussion; and the petitioner further submits to the House, that the opinions of the judges are conveyed to juries in very strong, and frequently in passionate language, which is calculated to overawe the minds of those to whom it is addressed, and that if juries shall by any means be induduced to conform their verdicts to the sentiment conveyed from the bench, when the petitioner was sentenced; namely, that it is libellous to censure tyranny, even in an enemy; it is very possible that a person in the petitioner's situation shall be severely punished for rendering an essential service to his country, and to the cause of truth and virtue; and that the House will regard this possibility with extreme concern, for what effect must it have on the public mind, to know that individuals are liable to heavy fine and imprisonment for doing that which common sense, religion, and morality will justify? Yet, while the present interpretations of the law of libel are persisted in, it cannot be pretended, that to publish what is called a libel is, in every case, a moral crime; and that the petitioner doth instance to the House, as a proof of what he avers, the case of a person recently prosecuted by the Attorney General, on an information *Ex Officio*, for libel; This person was told by the present lord chief justice of the court of King's Bench, that his publication was not less calumnious, and consequently not less guilty, because it might be true: But, when brought up to receive the sentence of the court, it was declared from the bench, that, if the libel of which he stood convicted were true, it would prove the individual libelled, who was at that time a member of the administration, to be unfit to enter the presence of his sovereign, and indeed unworthy of honourable society; and that the petitioner need not point out to the House the extreme hardship of refusing an accused individual permission to prove the truth of his publication, while the absence of proof to that effect is urged against him to justify the severity of his punishment: Neither will the petitioner take up the time of the House by dwelling upon that perversion of language, and violation of moral feeling, included in pronouncing an individual guilty of crime, who has exposed in his proper character an unworthy servant of his sovereign, whose counsels are mischief, and whose presence is pollution; and the petitioner further states, that he is extremely desirous to conform to the law, as well in the management of his newspaper as in every other part of his conduct; but that the uncertainties, contradictions, and absurdities of the law of libel, as explained by the judges, leave him in utter ignorance of what may or may not be safely published: Not only have different judges given different and consequently false interpretations of the law of libel, but even the same judge has differed from himself at different times; By the present lord chief justice of the court of King's Bench, it has been laid down as law, that there is no impunity to any one who shall violate individual feelings, or render the person or abilities of another ridiculous; a definition as intelligible as it is sweeping, and which at once reduces the right of discussion to a non-entity, but which cannot, by the imperfect understanding of the petitioner, be reconciled with the principle of another maxim declared by the same learned and noble judge to a jury; namely, that a certain class of persons called authors may very safely and properly be held up to just ridicule; and that it is for the interests of society and government that their works should be fairly examined, and praise, censure, or sarcasm, applied according to their merits: The petitioner claims the benefit of this liberal principle on behalf of such discussion as applies to rulers and to governments; and he complains to the House that he has been tried and punished by a law which, instead of being plain to the meanest capacity, is involved in inconsistency and absurdity; and that the petitioner, by bringing these facts under the consideration of the House, conceives that he has acquitted himself of a duty; he entertains no feeling of impatience under his fate, being more than compensated for its hardships by the belief that his exertions have done much towards abolishing a horrible species of punishment, which disgusts the national feelings, while it disgraces the national character, which debases that army which it is intended to reform, which places man on a footing with the beast that perisheth, and converts a land of superior freedom and humanity into the last asylum for the system of torture, which has been banished from continental Europe; and that, while day by day facts are transpiring which place beyond a doubt the injurious effects of the savage punishment which the petitioner has condemned, while the most distinguished officers in the service are raising their voices against it, while the legislature is interfering to do away with it by degrees, the petitioner addresses the House from the prison to which he has been sent for engaging in the good work; he has been sentenced to undergo a heavy punishment for publishing an article, which, in all its essential parts, has been acquitted by a jury; he has been convicted under a charge of being the friend and advocate of the enemy, and he has been punished under a charge of libelling the enemy; in fine, he has been convicted of libelling, an act which may merit praise instead of punishment, and he has been tried under a law which assumes new shapes for every case, and concerning which nothing is certain but its uncertainty; and that these circumstances form the ground of the petition and complaint which the petitioner humbly prefers; and the petitioner humbly entreats the House to take the premises into their serious and favourable consideration, and grant him such redress as his case may admit of.''

Ordered to lie upon the table.

PETITION OF MR. OLIVER AGAINST THE DIRECTORS OF THE EAST INDIA COMPANY.] Mr. Peter Moore presented a Petition from James Oliver, esq. late a colonel in the service of the East India Company, under the presidency of Fort St. George, setting forth:

" That the petitioner entered into the service of the East India Company in the year 1769, and continued in the Madras army until the year 1806, at which last-mentioned date he gradually obtained the rank of colonel; that, during the long period of his service, an interval of thirty-six years, he had been in constant employment, and had been engaged in fourteen general actions, thirty cannonades, and was at the reduction of twenty-six forts, many of which were taken by assault; and that he was appointed to and employed from January 1802 to July 1803 in the civil and military government of the Molucca Islands in the eastern seas, captured from the Dutch; and in the year 1805, he returned to England for the benefit of his health; and that complaints against him were put forth, in a letter from the court of directors to the Madras government, bearing date the 15th of February 1804, charging principally, that, while in the civil government and military command of the Moluccas, the petitioner had been concerned in the purchase of a certain quantity of spices with an European inhabitant of the island; next, that he had an interest in a cargo of European goods sent there for sale, which had given rise to an alledged arbitrary act, on his part, preventive of the fair sale of other European articles composing the investment of the officers belonging to two of the Company's ships, and consequently prejudicial to those officers; and, lastly, that he had prematurely delivered up to the Dutch the islands entrusted to his government; and that a Committee being appointed for the purpose of investigating these matters, the said Committee assembled on the 4th day of August 1804, and proceeded to examine witnesses in support of the matters submitted to them, and continued their sittings for the space of a month and upwards, when at this latter period, and under circumstances to which considerable suspicion attaches, and notwithstanding the instruction under which they were bound to act, that the accused should be acquainted, *in limine,* with the nature and full extent of the exceptions taken at his conduct in the premises, the government of Fort St. George sent fresh articles of accusation against the petitioner, and required the Committee to proceed thereon; and that the new criminatory matters depended solely on the assertion of an individual of the name of William Betty, and were submitted in the form of a letter forwarded to the government of Fort St. George after the writer of the said letter had been dismissed from the Company's service by the sentence of a court martial, and after he had already embarked and was on his passage; and that the Committee was detained for several weeks until the 18th day of February 1805, when the petitioner was allowed to urge certain matters in his own behalf; and about the end of the same month, the Committee made their Report to the government of Fort St. George; and that the petitioner not being suspended at the time of making such report, or being made acquainted with any proceedings intended to be instituted against him thereupon, although he had reason to apprehend that, from the direction of the court of directors in the event of such report being unfavourable, he should be suspended the service; he had consequently every reason to conclude the report was not unfavourable in its general tendency; and that a copy of the said report was respectfully, but in vain, requested by the petitioner within a reasonable time, and he being then in a state of great debility, obtained permission (after being obliged to execute certain securities), to embark for England; and that having arrived here early in September 1806, he reported his arrival to the court of directors; and having on the 1st of October following, received a notice that the said court was about to proceed to the consideration of his case, the petitioner, the better to enable himself to make his defence, made repeated applications for a copy of the aforesaid report, but without effect; and, on the 27th of November following, the said court of directors made communication in form to the petitioner, that they had dismissed him their military service; and that the determination of the court of directors has been since published to the King's and their own army in India, stating that the petitioner was dismissed from the service of the Company for gross violation of trust reposed in him whilst commanding officer of the Molucca Islands: and that such dismissal does not appear to have originated from any breach of military duty, but for an offence alledged to have been committed by the petitioner in a civil capacity, as a ministerial officer of the Company, in which capacity the petitioner can clearly prove that he made a saving to his honouurable employers of 303,404*l.* sterling, in the short space of eighteen months; and the measure was not sanctioned by the proceedings of a court martial: this power is submitted to the House as usurped by the East India Company, not only in direct opposition to the articles of war, but also to the subsequent statute, expressly reserving to the King the right of making rules for the government of the East India Company's armies; and that the petitioner, having been denied all access to the proceedings of the Committee of Enquiry at Madras, and to their ultimate report, and finding, from the best legal information he could obtain, that there was no process to compel the said court of directors to deliver to him the copies of the said proceedings, or the report upon which they had been founded, he addressed a memorial to the commissioners for the affairs of India, commonly denominated the Board of Controul, but was informed, through the secretary of that Board, that the commissioners had not any controul over the subject matter of his memorial; and that the petitioner therefore humbly re-asserts that the court of directors of the East India Company, of the year 1806-7, have acted in contravention to the act of parliament made and provided for the better government of the Company's army in India, by dismissing him therefrom without a legal trial by a competent court; and that they have hereby assumed inordinate power, and deprived him of the honours and comforts to which he was justly entitled, from his many and great exertions; and praying the House to take his case into consideration, and to grant such further relief in the premises as to them shall seem fit.

Mr. *Wallace* said the court of directors had certainly a right to dismiss their servants; this gentleman was charged with having been engaged in commercial transactions while he was governor of the Molucca Islands, contrary to the rules and regulations of the Company. He had also before been dismissed for lending money to the native princes at the usurious interest of 36 per cent.

Mr. *Astell* said the petitioner had been repeatedly accused and convicted of offences against the rules and regulations of the Company.

Mr. *P. Moore* said he understood that during the 14 months the petitioner was governor of the Moluccas, he had reduced the Company's expences 1,140,000 dollars, and he was now in a starving state.—The Petition was ordered to lie on the table.

FRENCH PRISONERS OF WAR.] Mr. Christie, from the Transport Board, presented at the bar several papers relative to the prisoners in Dartmoor Prison.

Mr. *Rose* said these papers were presented in consequence of a noble lord (Cochrane) who he was sorry not to see then in his place, having asserted, that the prisoners confined in that prison, had died thirty and forty in a week. The fact was quite otherwise, for at no time but one, which was about two years ago, had there been any extraordinary mortality among the prisoners. That one time was in consequence of some French prisoners being sent there, who had been landed from the West Indies, and who brought over with them an infectious disorder, which was however by skilful medical practice subdued in about a fortnight, and the prisoners had ever since been remarkably healthy. It had been also asserted that there was a great deal of filth and dirt in the prison, but the reverse was the case; and there was a stream ran through the prison of as pure water as any in England.

Mr. *Tyrwhitt* explained some misconceptions with regard to himself that seemed to have gone abroad. He stated that the soil from the prison in question was carried off through his lands at his own expence.

Sir *C. Pole*, as the subject had been mentioned, hoped the House would come to some resolution expressive of their approbation of the conduct of the managers of that prison towards the French prisoners in custody there. Of 20,000 prisoners there were at this moment only 300 sick—a circumstance which merited attention and public thanks.

Mr. *Rose* was afraid it might be irregular to do any thing at present more than to order the return to be laid on the table, and to be printed.

Sir *F. Burdett* could not believe that his noble friend, who was not now present, would have said what he did without some ground.

Mr. *Whitbread* bore testimony both to the disinterested conduct of his hon. friend, the member for Plymouth, and also to the precautions used by the managers of the prison to get rid of the infection, declaring it to be his decided opinion that there was no blame attached to any person connected with the prison.

The Papers were then ordered to lie on the table, and to be printed.

FLOGGING IN THE ARMY.] Sir *F. Burdett* rose to make the motion of which he had given notice, respecting corporal punishments in the army. He said, the subject had for several years weighed and pressed upon his mind, and he at length had determined to bring it before the attention of the House; but having, from time to time, heard from several gentlemen, high in the army, that government had an intention to abolish the infamous practice of Flogging, he had been induced to withhold from making any motion, wishing rather that the measure should voluntarily flow from them, than that it should be adopted in consequence of the interference of that House. It had been said at the time of passing the Mutiny act, that a clause would be introduced, which would have the effect of abolishing this scandalous punishment by degrees; but having found from the clause in the Local Militia act that that was not the case, he thought it his duty not to lose a moment in coming down to the House, to give a notice on the subject; and he had only brought forward the case of Taylor as an instance that something was necessary to be done. Finding, however, that the case of a Local Militia-man did not perhaps sufficiently apply to the case of the general adoption of the punishment of Flogging throughout the main body of the army, he had given up that case, and thought it best to proceed on the motion which he should have the honour, before he sat down, to submit to the House. There were other reasons which urged him much to come forward with it. The press had been treated with uncommon severity on account of mentioning the disgraceful punishment of flogging our soldiers. Very severe sentences had been passed on two public writers for having said that these degrading punishments in our army had——

Sir *M. Wood* spoke to order, and was proceeding to comment on the speech of sir Francis Burdett, when

Mr. *Brougham* spoke to order, and said, that if the hon. baronet who spoke last was allowed to proceed in that way, he would move that the debate be adjourned.

The *Speaker* said, that sir M. Wood had not shewn that the hon. baronet whom he had interrupted, was out of order; he must do that, and not comment on the hon. baronet's speech.

Sir *M. Wood* then moved that the gallery be cleared.

Mr. *Brougham* then gave notice that he would constantly move an adjournment so long as sir M. Wood persisted in excluding strangers.

[The gallery was then ordered to be cleared; but when most of the strangers had withdrawn they were re-admitted.]

Sir *F. Burdett* (on our re-admission into the gallery) was speaking. In the view that he took of this subject he was sanctioned by the opinions of many general officers, and persons who had eminently distinguished themselves in the service of their country. Many of those officers not only agreed with him in theory, but had proved in practice, and in the discipline of their own corps, that the system of flogging was not essential to the discipline of the English army, and that it was as unnecessary as it was cruel and disgraceful. Among the many bright examples of officers who knew how to maintain proper discipline in their regiments without flogging, he thought it would be injustice not to mention the illustrious name of his royal highness the duke of Gloucester, who for the last three years had kept his regiment in a high state of discipline without having recourse to flogging; and it appeared to him that his conduct in this respect did equal credit to his abilities as an officer, as it did to the amiable qualities of his heart. He was sorry to be obliged to state another most remarkable instance of the inefficacy of pursuing an opposite line of conduct. He must say that the 15th regiment of dragoons was a regiment long distinguished for its efficiency in the field, and for its peaceable, modest, and proper demeanour in every respect, before his royal highness the duke of Cumberland got the command of it. Until that time, punishments of this nature had seldom been known in it; and it was a melancholy fact to state, that more cruel punishments had taken place within a very few months after the duke of Cumberland was appointed to the command, than had taken place in that regiment ever since the period of the seven years' war, down to the time in which he had got the command of it. The excellent pamphlet of sir Robert Wilson upon this subject, was, as he supposed, in the hands of every member; and therefore he should content himself with stating, generally, that that gallant and distinguished officer most decidedly reprobated the system of flogging. He understood, also, that the present Commander in Chief wished, as far was in his power, to get rid of this ignominious and cruel mode of punishment; and he must do him the justice to say, that he understood that in the management of his own regiment a very mild system of discipline had always been pursued. He thought it would be also doing injustice to the known humanity and benevolent nature of his royal highness the Prince Regent, not to suppose that he also felt alive to the sufferings of our brave soldiers, and that he also would be anxious to free them from the degrading and cruel punishments to which they were now exposed. He therefore by no means thought the improbability of succeeding in this object so great as it appeared to many.—He would mention, also, a militia regiment which had been commanded by lord Euston, the present duke of Grafton. This regiment had long been considered as a pattern regiment, and many other officers endeavoured in vain, by the severity of punishments, to make their regiments equal to it; and yet lord Euston brought his regiment to this perfection without having recourse to flogging. The instrument called a cat-o'nine-tails was not known by the drummers of that regiment. When persons of such rank and acknowledged merit as he had mentioned, had proved by practice that the best discipline could be kept up in the army without flogging, he conceived himself entitled to state, that it would be well for the British army, in every point of view, if the example and authority of such men were generally followed. With regard to the cases that he should think it necessary to state to the House, he had derived his information from persons who were in situations that gave them the means of knowing, and of whose veracity he had no doubt. He did not think it proper to name his authorities in the first instance, although many of them had given him permission so to do. He considered that naming them now might possibly do injury to those individuals without being of any public advantage; but if the House should grant an enquiry, he would certainly bring them forward as witnesses to prove the statements he should now make. He had been informed by a surgeon of a regiment, that a man under his care who had a defect in his sight, had literally been flogged for being blind, [murmurs from the ministerial benches.] The case was this: the surgeon who gave him the information was a young man at the time, but this soldier had been under his care, and had even undergone many painful operations for the defect of sight, which he was convinced was natural. This case, with many others, was referred to a senior surgeon, who was a hasty and careless man. His report was, that there was nothing the matter with his sight, that it was all a pretence to avoid duty, and that he was (to use a term he did not understand) a malingerer. The young surgeon finding his professional judgment thus impeached, appealed to the judgment of another surgeon of still greater practice, who coincided with him that the defect of sight was real. Nevertheless, the man was brought to a trial by Court-martial for being a malingerer, and was actually condemned, and did receive a hundred lashes. When the surgeon of superior standing afterwards told the officers that the man really had a natural defect in his sight, the answer of one of them was—'Well! what signifies a hundred lashes to a man of his description?' This case he should be ready to prove if an enquiry should take place. Another instance he had to state of severity of punishment took place at Gibraltar; two men had been so harrassed and disgusted with the service, that to get rid of it they chopped off, each of them, one of their hands. Instead of gaining their object, and getting rid of the service, they first received a severe punishment for this offence; and after they had so received their punishments, they were condemned to eke out the remainder of their lives in servile employments, and no soldier was allowed to speak to them. He must, however, ask, upon this case, what must have been the disgust which those men had received, to induce them even to cut their own hands off, and how harrassing must that service have been, which they would take such methods of endeavouring to free themselves from? There was another case of a soldier of 70 years of age, and who had served for upward of 50 years with great credit and an excellent character. He unfortunately got a little in liquor, and was sentenced to be flogged. In vain he stated his length of service, his never having been before sentenced to any ignominious punishment, his wounds, and his age. The answer to him was, that his age and his length of service should have made him know better; and he was accordingly flogged. The very same day, another soldier, a young lad of 16, was condemned for some impropriety of conduct. He pleaded his youth and inexperience: but he was answered, that on that very account he must be made to learn his duty; so that youth or age, inexperience or long and faithful services, were urged equally to no purpose, as a mitigation of the severity of punishment.—The hon. bart. said, that when he was confined in the Tower, he was unfortunately an eye-witness of the severity of the punishments that were inflicted on very old men for trivial offences, One of those whom he saw flogged had been 30 years in the army, and had received no fewer than seventeen wounds in the service of his country. It was, indeed, a most heart-rending sight to see an old man, whose breast was scarred with honourable wounds, having his back lacerated with ignominious stripes for some petty offence. He saw another old soldier flogged, who had been 27 years in the service. As to the severity and cruelty of the punishments, he could not have had an idea of it if he had not been an eye-witness. Great as the corporeal suffering must be in such cases, he thought the shame and disgrace of it was still worse. There were but few persons who knew what a severe instrument of torture the cat-o'nine-tails was. Every lash inflicted by it was, more properly speaking, nine lashes. These were pieces of whipcord, not such as gentlemen used to their horse-whips, but each of them as thick as a quill, and knotted. This dreadful engine of torture was frequently applied by the strength of fresh men relieving each other, until human nature could bear no more suffering; and then, if pains were taken to recover the unhappy sufferer, it was only to enable him to undergo fresh agony and farther pain. What appeared to him be the most disgusting thing in the whole transaction, was the attendance of the surgeon, whose business appeared principally to detect any lingering principle of life which could enable the man to undergo more torture; and his art and knowledge, with an almost impious profanation of the healing art, was exercised principally for the purpose of renewing the faculty to bear fresh tortures. He really did not believe that in the description the poets gave of hell, there were any tortures equal to what was called a military punishment. He believed the principal part of the complaints of the soldiers, and of the reasons for which they were flogged, was, that they were often dissatisfied with the manner in which their pay and what was called necessaries were furnished. [The hon. baronet here read an extract from a work of Major James, intitled the "Regimental Companion," in support of his opinion, that such was the general cause of discontents in the army, and military punishments.] He had often thought, that if instead of nothing but punishment for offences however slight, soldiers could stand before a court-martial to determine what rewards, what honours or what increase of pay they were entitled to for gallant services, the army would get on much better. At present, the system pursued was degrading to the whole army, to the officers who ordered and witnessed the punishment, as well as to those who were condemned to endure it. The gentlemen of this country were thus exposed to witness what no other gentlemen in Europe were obliged to see. These severe punishments were not inflicted for serious offences only, but on the most trifling matters of regulation in the regiment. There was nothing so trivial, either in dress or equipment, for which a soldier might not be flogged. When the number of desertions which took place every year was considered, and the punishments which might be inflicted for such desertions, he calculated that five millions of lashes might be annually inflicted on this account; for he must always calculate every lash given with a cat-o'-nine-tails as nine lashes. We often heard of how many strokes a minute was given by a steam-engine, but the flogging system would far exceed, in this respect, any powers of the steam-engine. It was the opinion of almost every experienced officer, that no regiment, or no soldier, was ever corrected by those military punishments. The men who suffered the punishments were, in a manner, driven from their rank in existence, and afterwards appeared heart-broken, and ashamed to look their comrades in the face. The House had lately expressed its sympathy for the sufferings of West India slaves, but there was nothing in the West Indies which could be at all compared for cruelty, with the manner in which English soldiers were flogged. How painful it must be to their feelings when they marched against an enemy whom they knew was never flogged, to think of their own discoloured shoulders, and dishonoured carcases? It was melancholy for them to recollect, that if their bodies should be found upon the field of honour, although their breasts might be pierced with glorious wounds, their backs would exhibit the cruel marks of disgrace. It was no honour for any man to command persons liable to be flogged, as it was no honour to command galley slaves. The hon. baronet here read a letter from sir Robert Wilson, wherein he stated, "that he had the mortification to hear a Russian minister tell the emperor, that nothing was finer than to see an English regiment on parade, but that nothing was more disgusting than to see their camp in the morning, and witness the cruel and inhuman punishments that were constantly inflicted there." Mr. Drakard, who was now suffering in Lincoln jail, had, in fact, very much libelled the Russian nation, when he stated that they had copied the barbarity of our military punishments. British officers, however, found that they could discipline the people of other countries without resorting to the cat-o'-nine-tails. The Portuguese were allowed to have arrived at great proficiency in discipline, but they were never flogged as our soldiers were. The great Frederick of Prussia once governed his army, in a great measure, by the stick of the corporal; he, however, soon found the error of his system from the number of desertions, and latterly adopted a very mild system. In this country, the system of cruelty and torture had been introduced, principally with the view of Germanizing our soldiers; but the German soldiers in our pay were quite astonished at this mode of discipline, as nothing like it had been practised in Germany during their recollection. If British officers could make good soldiers of Germans, Portuguese, and every other nation without flogging, what a scandal it was to this country to say that it was necessary with the English alone? In the army of our enemy, it must always be recollected, that there were rewards as well as punishments, and parliamentary influence was not necessary to obtain promotion. As to the cruelty with which English soldiers were treated, he insisted that it was greater than the common feeling of mankind could bear to witness, if exercised on a beast. If any man was to use a horse, or any other animal, with such cruelty in a public place, his brains would probably be knocked out by the populace. After a variety of observations on the cruelty and inefficacy of the system of Flogging, the hon. baronet concluded by stating, that, considering the advanced period of the session, and the impossibility of now going into the enquiry, he thought it the best way to move for an Address to the Prince Regent, which he did to the following effect: "That an humble Address be presented to his royal highness the Prince Regent, That his royal highness will be graciously pleased to take into his consideration the practice of flogging Soldiers, and that his royal highness will be graciously pleased to issue such orders to officers commanding regiments and corps of regiments as shall to his royal highness's wisdom appear best calculated to restrain, and finally to abolish, that cruel, unnecessary, and ignominious mode of punishment."

Mr. *Manners Sutton* admitted the importance of the subject, but must think the statements of the hon. baronet much exaggerated. The very object proposed was already attended to, so far as was consistent with the military policy of the country, and could be made useful or manageable. It was unfair to speak of the effect of the law, until it had been tried; from the lateness of its enactment, it had not been fairly tried. Even now, frequent applications had been made to him to know how far the usual punishment might not be commuted for imprisonment. Instances of cruelty had been spoken of. If those instances were brought forward distinctly, they would meet investigation, and receive punishment. It was to be observed, that the object of the former motion, the Local Militia-man, was omitted. From the mode in which the statement of that case was originally made, some enquiry had been necessary, and the result was the following statement. The recruits had been assembled some days before the main body of the regiment, and there was a natural tendency to disorder. There were some reports that the men's bread was bad, and the colonel sent for the contractor to direct him to give better. The contractor asserted that the bread was good, and it was sent to the mess-table to be tried. The officers were all of opinion that it was of the proper quality; but the colonel not leaving it even to this, sent some to the inspecting general, who pronounced it good. The regiment arrived in small parties, and some of those at night rather intoxicated. The clamour against the bread was kept up by these people; and loaves were found kicked about the streets, a proof that there was no attempt to try the bread. After this, the words, "sour bread," and other insulting expressions, were chalked upon the walls—placards were hung up—the officers were hissed down the parade—and still the ringleader could not be found. The officers, however, were anxious that something should be done; the spirit was too dangerous to be passed over, and it was important to find out who was the exciter of the spirit. Taylor wrote the song of which so much had been said, and exhibited himself as a prominent person. He was punished; not for the song, as was absurdly said, but for the part which he had taken. His punishment was partially inflicted, and he acknowledged its leniency in the presence of the surgeon. Some of Taylor's comrades had come into the room and were reproaching him with faint heartedness. Taylor told them, and repeated it to the surgeon, that he now was satisfied that without discipline, subordination could not exist; that the sentence was merciful, and his punishment lenient. So much with regard to the cruelty. As to the other statements of the hon. baronet, he hoped they were exaggerated. Some of those cases arose from regimental courts martial, which of course could not come within his cognizance; but they might be examined into. A few days ago, the Duke of York directed, that a regular return should be made of the sentences of regimental courts-martial. The statement of the desertions was exaggerated. The hon. baronet had apparently concluded, that the whole number of 879 desertions implied so many individuals. This was a mistake, for the same individual sometimes deserted five or six times before he could be finally prevented. There were some parts of the hon. baronet's statement which he had heard with great regret. Such were those expressions, that the state of the British soldier was looked upon with horror by other troops. It was the first time such an idea had been started. The practice which had been lately adopted, of bringing military subjects before the House in all cases, was mischievous. Much mischief must be done by its growing into a custom. If parliament made itself a court of military appeal, it would soon find that it had taken upon it an excessive burthen. It was unfounded to attribute the perfection of our discipline to any thing but the mutual respect of officer and soldier. This was not meant to cut off the appeal to the authority of the House in matters of extensive military policy, but to make that application customary would unhinge the whole frame of discipline. The source of the late glorious successes of our soldiers was not numbers, they were always inferior; nor exclusive courage, for it would be a calumny to suppose all other nations cowards. The system would be broken down by this habit of appeals to parliament. If the army were accustomed to make those appeals, some trifling abuses might be corrected, but the army would be gone. Where was the substitute for the present system; Imprisonment was now part of it. Capital punishment might be used; but was it to be said that there was to be no punishment, except capital, for the higher offences?

Mr. *Brougham* regretted that the actual statement of the hon. baronet seemed to have totally escaped the hon. member, whose speech was much more like a prepared anticipation of a speech expected, than an answer to one made. The cases which his hon. friend had adduced had been objected to, but he would not trouble himself about those cases. He was satisfied with shewing from the principle of reason and law, that the system of flogging was unwise. This was the object of the motion, and nothing relating to any particular case: he was only anxious to bring the House to a pledge that it would proceed on the subject next session. The judge advocate had spoken of his amendments to the Mutiny act, and the effects he expected from them. But what was the change? The Mutiny act had, since the Revolution, allowed of a latitude of punishment for higher offences, and a court-martial might sentence to imprisonment or flogging. By the 22d section of the act a court-martial could go to any extent of punishment that did not injure life or limb. There, was, of course, no change in the law. If it was still to be insisted that there was a change, it must reduce itself to a hint to courts-martial, that they might look rather more to imprisonment than they had done. But all this was feeble. Flogging for mutiny, &c. would continue to the amount of eight or ten hundred lashes, and the change produced by the amendment would be nothing. Why was not the amendment introduced into the first section, and made adequate to supersede capital punishment, as the only thing that could be superseded by the amendment? The courts martial having already had power of imprisonment for inferior offences, would find their powers neither increased nor diminished by this alteration. Taylor's case was of small interest compared with the general question. He had lately expressed himself strongly in abhorrence of the flogging of negroes, a race less connected with us than the objects of the motion, and the House were loud in their detestation of the cruelty. Why not, when it came nearer home, and among a gallant and manly race of beings? The spectacle of a military flogging was one of the most horrid; and, that not on the testimony of persons of peaceful habits, but on the authority of officers educated in the view of them. But those were the very men who talked of them in the most powerful language. The representations of those officers would have been answered, if they were capable of being answered; but they were not. They had given their names in the face of the whole army. If any thing could have been said there were venal pens enough to vindicate the cruelty. That the punishment was ignominious was proved on the testimony of officers of no common distinction; general Stewart, sir Robert Wilson, and general Cockburne. Flogging turned the indignation at the crime against the punisher. Why was not torture a regular punishment? except a dictum, and a solitary passage in the Bill of Rights, there was nothing about the abolition of torture, because it never was the law of England. On the trial of Fenton for the murder of the duke of Buckingham, there was an attempt at examining by torture, but the judges declared that it could not be administered by the law of England. That law prohibited any unusual and cruel punishment. The punishment was not merely obnoxious as not reclaiming the culprit, but as an offence to public decency. His hon. friend had been called on to point out a substitute for flogging.

The law had done it already, by pointing out imprisonment. There were other modes of making discipline secure, such as deprivation of pay and restraint of food. But now we took the wretched victim down from the triangles, an object for the dissecting room, or for the hospital, to be hung up again, and receive another such punishment; the Duke of Gloucester thanked his lieutenant-colonel for not having had a single flogging in his regiment in two years and a half. Was there any decay of discipline on that account? The practice was ruinous to the soldier: He thereby lost his spirit, feeling, and character. The hon. and learned gentleman concluded, by saying that the motion should have his cordial support.

Lord *Palmerston* spoke against the motion.

Mr. *Whitbread* reprobated the system of punishment which had been adopted in our army, and highly panegyrised the dukes of Gloucester and Grafton for their discountenancing it in their respective regiments. Save this one black spot, he knew of no taint upon the honour of our army.

Mr. *Yorke* opposed the motion, and was inclined to think, that during the hon. baronet's stay in the Tower, he had been picking up stories from the old soldiers, and they really had played the old soldier on him.

Mr. *W. Smith* spoke in favour of the motion.

The *Chancellor of the Exchequer* thought the House ought not to put any faith in the statement of the hon. baronet, who had gone about collecting old stories, which, the moment they were stated, were falsified. The hon. baronet came forward with an abstract catalogue of complaints, which were uncontradicted and uncontradictable, because anonymous. He reprobated in strong terms the degrading light in which the hon. baronet had attempted to place the British soldier. God knows where he had got the notions which he had promulgated that night, but whether he had derived them from some periodical work which he was in the habit of reading, or from the company which he was in the habit of keeping, he trusted that he would not find in that House a single teller to support him.

Mr. Adams and Sir H. Montgomery spoke against the motion.

Mr. *Hutchinson* supported the motion, and vindicated the discipline of the French and Russian armies.

After a short reply from Sir F. Burdett, the House divided, Ayes 10, Noes 94.

List of the Minority.

Barham, J. F.
Creevey, T.
Folkestone, Viscount
Hutchinson, C. H.
Ossulston, Viscount
Parnell, H.
Sharp, R.
Smith, W.
Talbot, R. W.
Whitbread, S.

TELLERS.

Burdett, Sir F.
Brougham, H.

HOUSE OF LORDS.

Friday, June 21.

DISTILLERIES.] On the second reading of the Spirit Drawback Suspension Bill, counsel were called in, and Mr. Dauncey, on the part of the Distillers in and round London, and Mr. Warren, for certain Distillers in Scotland, were heard against the Bill.

Earl *Bathurst* stated, that the object in framing the Bill had been to give every security to the English and Scots distiller, and that therefore it was directed that the Irish distiller should warehouse his spirits intended for exportation, the quantity and strength being first ascertained: and the quantity and strength on exportation, and being imported into this country, being also ascertained, in order to prevent fraud. He was aware that from these warehouses a part of the spirit might be withdrawn for home consumption, and replaced by other spirit; but to prevent this was impossible, without indirectly prohibiting the intercourse altogether. It was suggested that the Irish distillers should have distilleries appropriated only for exportation, but as this Bill was only a temporary measure, it could not be expected that they would incur the expence of having distilleries appropriated only for that purpose, and therefore to make such a provision, would in fact amount to a prohibition of the intercourse.

The Earl of *Lauderdale* contended that the Bill would, in its operation, be ruinous to the English and Scots distiller, by giving a decided preference in the market to the Irish distiller. He wanted nothing but a fair intercourse, that neither might have the advantage of the other; but under the present Bill the Irish distiller would have the means of bearing down all competition in the English market, by the undue advantage given to him in importing hither his spirit. Either under these circumstances, the intercourse ought to be altogether prohibited, or else the Irish distiller ought not to be allowed to export without having distilleries appropriated solely for the manufacture of spirit for exportation, it being perfectly evident that unless this regulation was established, numerous frauds would be committed in withdrawing spirits for home consumption from the warehouses entered for exportation, which would render the warehousing system of little or no use.

Earl *Bathurst* could not consent to the introduction of any provision into the Bill for not allowing the Irish distillers to export without appropriating distilleries solely for that purpose, as that would, under the circumstances he had already mentioned, amount to a prohibition of the intercourse.

The Bill was read a second time and committed for Monday.

ARMY PRIZE MONEY REGULATION BILL.] The Earl of *Suffolk* addressed their lordships at considerable length on a variety of topics which he conceived more or less connected with the subject of this Bill. He considered the measure as one of great importance, and that those who brought it forward had acted very laudably; but he conceived some explanation respecting the measure was still necessary. He understood that an immense sum, not less than 250,000*l.* of Army Prize-money, still remained in the agents hands. Some of it so long as nearly 20 years. But with respect to the interest accruing on that money, he wished to be informed. A good deal of Prize-money had, from time to time, become due to those gallant troops who participated with the navy in their glorious exploits against the enemy. At Buenos Ayres, a few years since, the captors were entitled to a great deal; and here he wished to remark the case of that gallant and meritorious officer, sir W. Beresford, to whom the country of our allies in the peninsula owed so much: The money he became entitled to on that occasion, was, he understood, about 27,000*l.* the whole of which he lodged in the banking-house of a relative who had lately failed. He thought his Majesty's ministers should take the case of this gallant officer into consideration, and reimburse him for his loss; and he trusted it would be done. He thought it would be highly advantageous, if, as recommended in one of the Reports from the naval commissioners, a board of agency were to be established, and the present system of prize agents superseded. What was due, and long retained from officers of the navy, in consequence of the existing system, was almost incredible. The exertions of the present treasurer of the navy to ameliorate and reform this system, and to procure a more expeditious liquidation of the rightful demands of our gallant seamen, was greatly to his honour. His lordship then animadverted on the present system which obtained in the Admiralty courts, where, from the multitude of causes, and the paucity of proctors, or officers of that description, the most injurious consequences, particularly from vexatious procrastinations and delays, resulted to the suitors in the courts. One of these, called the King's proctor, was said to have no fewer than 500 causes on his hands at once, so that it was impossible justice could be done. There were a number of counsel: Why not enlarge the number of the proctors? The delay of justice was, as far as it went, an abuse of justice. A similar system prevailed in many of the Admiralty courts abroad, where the suitors had much to complain of. The noble earl related the mode in which he obtained much information on this head from lord Cochrane, who had put into his hands a proctor's bill in one of the Vice-Admiralty courts. It was of enormous and unprecedented length, and which he would shew their lordships. The noble earl then opened and laid the bill along the floor, to a length of apparently 20 feet. He continued to expatiate on what he censured as the injurious delays and procrastinations of the Admiralty courts, more especially with respect to Prize causes. He also glanced at the courts of Appeal, and lastly touched upon the accumulation of appeals in their lordships' House, and the delays which he observed took place in the transaction of their judicial business. This, he thought, ministers had pledged themselves to bring forward some remedy for this session; but nothing effectual had been done. The plan had been given up, and nothing was to be done, at least for the present session.

The *Lord Chancellor* observed, that he should deem it an inexcusable waste of their lordships' time, if he were to occupy any of it in answering what very little fell from the noble earl, that had the least reference to the measure under consideration. But not a little of what fell from him (though totally irrevalent to the Bill) was of such a character and tendency, as that he could not, consistently either with his feelings or his duty, pass it over in silence. He would principally notice two points which were the subject of the noble earl's observations. And, first, he would observe, that with respect to those points and assertions which he had been instructed to advance, and to make in that House, respecting the conduct of the Admiralty and Vice-Admiralty Courts, and those judicial establishments connected with them, they were unfounded in truth or justice. They were subjects of which the noble earl could know little or nothing himself; and he ought to have been certain that his accusations or insinuations were founded in fact, before he came down to that House and aspersed the characters of some of the most respectable, judicial, and professional persons in the empire—he meant the judges and principal officers of the courts alluded to, either at home or abroad. Whenever charges were made against them in the proper shape and place, those worthy and respectable persons would be ready to meet those charges in a proper manner. They never yet shrunk from inquiry either in this country, or in any of its dependencies. Those individuals who were then made the subject of obloquy and unmerited accusation were, some of them, he knew, as pure and irreproachable characters, and of as high and untainted honour as the noble earl himself, or any of those he was connected with. He must regret, therefore, that a member of that high assembly, should so conduct himself in introducing even a species of mummery never before witnessed in these walls, and altogether unbecoming the dignity and gravity of that branch of the legislature. The noble and learned lord then proceeded to notice what had fallen from the noble earl respecting the accumulation of Appeals, and the delays in transacting the judicial business of the House. What the noble earl had said on this head, was equally unfounded. The inconvenience referred to had been long felt, and measures were adopted at the instance of those with whom he had the honour to act, in order to remedy the grievance. A Committee had been appointed from among their lordships, who duly proceeded to investigate the important subject committed to their charge. Before that Committee he had given his deliberate and solemn opinion as to the causes which led to the inconveniences complained of, and as to the most efficacious remedy. It was painful to him, nor could he be expected, on a point which referred so much to himself, to dwell upon the subject. He had spent the far greater part of his life in professional habits, or judicial situations, and in the high office of presiding in their lordships' House, and he could truly and conscientiously state his conviction, that little good could be effected with respect to what their lordships complained of, except he who so presided were materially assisted in his business in another court. The sincere opinion, and advice he had given, was not so likely to affect himself as those who were to come after him.

The Earl of *Suffolk* shortly spoke in explanation. What fell from the noble and learned lord was far from satisfying his mind as to the subject he chiefly adverted to; and, as to the bill produced, their lordships must think it extravagantly long, when they heard that the proceeds of the prize to which it referred were 8,000 crowns, and the proctor's bill on the occasion amounted to 6,800.

The Earl of *Liverpool* shortly alluded to the total irrelevancy of almost all that fell from the noble earl, to a Bill which solely related to the better regulation of army prize-money.

Lord *Redesdale* followed up the observations of his noble friend on the woolsack. He was confident, he said, there existed in the country a settled scheme, which was actively persevered in, to bring the administration of justice into disrepute; and as to the delay, or temporary failure of the remedial measure, it was by no means attributable to that House, still less to his Majesty's government; but it was attributable to the friends of the noble earl himself. His lordship then entered into an exposition of the plans proposed, and which, he believed, the noble earl must be unacquainted with: and into a detailed discussion of the causes of those unavoidable delays in the transactions of the judicial business of the country, but particularly in the court of chancery, and in their lordship's House, and which were by no means the fault of those who were entrusted with the administration of justice, but solely to be attributed to the machinery employed not being rendered sufficiently strong or extensive to meet the increased weight and extent of the business to be disposed of.

Earl *Camden* vindicated the conduct of the Appeal Courts; the business of which he would venture to say was as well attended to as that of any courts in the kingdom, without exception.

The Bill was then read a third time and passed.

HOUSE OF COMMONS.

Friday, June 21.

REPORT ON THE WEAVERS' PETITION.] The *Chancellor of the Exchequer*, adverting to the dropped order for taking into consideration the Report of the Committee on the Weavers' Petition, observed, that however the House might despair of rendering any benefit to the petitioners, it would not be treating them with due attention to take the subject up at present, when, perhaps, there were members absent who were desirous of delivering their sentiments upon it. He proposed, therefore, That the report should be taken into consideration on Monday next.

Colonel *Stanley* acquiesced in this proposal.

Mr. *Whitbread* remarked, that although it was a dropped order, yet at the present period of the session, it might be advisable to proceed with it.

The *Chancellor of the Exchequer* repeated the reasons which he had stated to induce the House to postpone the consideration of the subject.

Mr. *Whitbread* expressed his regret that he should not have it in his power to be present on Monday. He still thought that the question, for the discussion of which he had prepared himself, might immediately be proceeded with, the more especially, as it was evident that no measure of relief could be afforded. He was about to proceed with some remarks, on a subject which he stated to be intimately connected with the present, when

The *Speaker* interposed, and said, that the question before the House must first be disposed of.

The further consideration of the Report was then fixed for Monday.

DISPUTE WITH AMERICA.] Mr. *Whitbread* resumed his observations, with respect to the Report of the Committee on the Weavers' Petition. He was quite convinced that that Report was a proper one, and that no measure, particularly one of pecuniary aid, could be adopted for the relief of the sufferers. To attempt such a mode of assistance would be to throw water on a furnace, the necessary consequence of which would be, to increase the fierceness of the flame. Nevertheless feeling that the question was not one in which the weavers alone were concerned but that it involved the whole commercial community—feeling that the weavers were but the heralds of the manufacturers, and that the manufacturers would be but the heralds of the merchants—knowing that the whole trading interest of the country was in the utmost dismay—having heard that the strongest representations on the subject had recently been made to the right hon. gent. opposite, by the merchants of Liverpool, by the merchants of London, by the West India merchants, and by all connected with those various branches of commerce—knowing the very unfavourable state of the exchange with foreign countries — having observed the avidity with which the public, catching at a straw, interpreted an accidental remark in a late speech of the right hon. gent. opposite into an expectation of an approaching accommodation with Russia, and of a consequent vent for British manufactures and produce in that country—knowing that the expedient resorted to of issuing Exchequer-bills, as a loan, for the relief of commerce, had failed, none of those bills having reached their destined objects, the operative manufacturers,—he could not conceive it possible that the House could be blind to the difficulties of the situation in which the country was placed. The Report of the Committee, although it deprecated any pecuniary aid (in which deprecation he completely concurred), fully acknowledged the extreme distress of the petitioners. Persuaded, as he was, that all this distress was the effect of the ruinous commercial policy which had been pursued by ministers, it would have been impossible for him, had it been in his power to attend on Monday next, not to enter largely into the consideration of the subject. It was impossible for the House to conceal from itself that there was a growing disposition in the country—a disposition which, he confessed his regret, that any administration should be exposed to—to make that compulsory on government which ought to be optional. Still, however, knowing that all the markets for English commodities were closed against them—having observed the final adjudication of the case of the Fox, by which adjudication the scabbard was thrown away by this country with reference to America—remarking the manner in which the commercial relations between Great Britain and America had been treated by ministers—having in his hand the documents ministers had refused to produce, and which had since been published in America, comprising the diplomatic correspondence between the two countries—and seeing in that correspondence the most gross and wanton neglect of the true interest of England, he declared it to be his intention before he sat down, to move for the production of all the papers in question. On the production of those papers, he was convinced it would appear to the House that America, a country deserving the highest consideration and respect, had been treated by Great Britain more as an humble dependant on an illiberal protector, than as an equal state. Indeed, the whole of our political relations with America had been carried on as if war were the ultimate expectation. How far the probability of such an event was increasing, the recent intelligence from America might enable the House to judge; although he allowed it to be possible that the occurrence to which he alluded might have originated in accident. The weavers, complaining of deep distress, proposed desperate remedies. A Committee of that House declared it as their opinion—an opinion in which he coincided—that nothing could be done for them. But let the House recollect some prior circumstances. Let them recollect that but a few days before the presentation of these Petitions from so numerous a class of the community, complaining of such unexampled calamity, the right honourable the Chancellor of the Exchequer had amused the House by extolling the financial state of the country, by expatiating on the increase of the Customs and Excise; and, as if in sport, by attempting to impose a tax on that very raw material which was the foundation of the manufactures in which the Petitioners were engaged! It was true that the right hon. gentleman subsequently abandoned his intention; but even this he did in a boastful manner, asserting that the revenue of the country was so flourishing, as to allow him to wave the imposition of the proposed duty. What did the House suppose the distressed manufacturers must think of this empty vaunt? Would it be easy to persuade them that general prosperity and such individual suffering could be co-existent? He hoped the House would do him the honour to listen to extracts from the correspondence for which he was about to move, in order that they might see the necessity of having the whole on the table; not with a view to found any proceeding upon the documents this session, not with the expectation of rousing the apathy of parliament on the subject, but from the conviction that America would soon force it on the attention of this country, and the wish that he, and those who thought with him might not be found so neglectful of their duty as to have omitted an attempt to lay on the table of the House such papers, as might enable the nation to understand the subject, and might prepare parliament to come to some decision upon it in the course of the next session. It would appear in the correspondence, that on Jan. 2, 1810, Mr. Pinkney wrote a letter to lord Wellesley on the subject of the recal of Mr. Jackson. To this letter no answer was returned until March 14. On this tardiness the American minister observed, "although I was aware that an answer would not be hastily given, I certainly did not expect such a delay." Unquestionably it was a delay which ought to be accounted for. On February 15, Mr. Pinkney wrote a letter to lord Wellesley on the subject of the blockade, which letter was not answered until March 2. On April 30, Mr. Pinkney wrote a letter on the subject of the Berlin and Milan decrees, to which he received no answer. On May 14, he wrote a letter complaining of the countenance given to the forging of American papers, to which he received no answer. On June 23, Mr. Pinkney wrote a letter to lord Wellesley, referring to his letter of April 30, and requesting a reply to it. To this second letter on the same subject, he received no answer. On July 7, he wrote a letter complaining of the delay in the nomination of a British minister to America. To this letter a verbal assurance of an immediate appointment was the only return. On August the 18th, he wrote another letter, referring to his former letters of April the 30th, and June 23d, respecting the Berlin and Milan decrees. To this third application on this subject, Mr. Pinkney received no answer. On August 21, he addressed lord Wellesley again on the subject of blockade, but received no answer. On August 25, Mr. Pinkney announced to lord Wellesley the revocation of the Berlin and Milan decrees, and demanded the abolition of the British Orders in Council. This letter was not answered until the 31st. On September 15, Mr. Pinkney wrote to lord Wellesley on the three several subjects of the mission of sir James Saumarez to blockade Elsineur, the condemnation of an American vessel, and the impressment of some American sailors. This letter was not answered until Sept. 26, and then only as it regarded the blockade of Elsineur; the matter of the American vessel was referred to sir William Scott, by whom it was subsequently restored; and no mention whatever was made of the impressed seamen, although they were afterwards released by an order from the Admiralty. This last circumstance was a most gross neglect. A minister from a foreign state made a representation to government; of the justice of which their ultimate conduct was an acknowledgment; and yet they did not condescend to notice the representation itself! How would such conduct be characterised in private life? would it not be termed most insulting and degrading to the party towards whom it was manifested? On Sept. 21, Mr Pinkney again addressed lord Wellesley on the subject of the blockade, referring to his former applications, and urging a reply to them. On December 8, he wrote on the subject of the Fox. To this letter no answer was returned, although the proceedings were suspended until after Mr. Pinkney quitted the country, when the adjudication took place. The last of Mr. Pinkney's letters was dated on December 10, to which not obtaining what he conceived a satisfactory reply, he desired his audience of leave. The hon. gentleman said he thought that after having heard these memoranda, the House would see the expediency of procuring the documents in an official form. But whatever might be the sentiments of the House on the subject, knowing, as he did, the serious evils which existed—foreseeing the dreadful events which might possibly take place in the course of the summer among those who were enduring such evils—being aware that hunger was a sharp task-master, and might drive to acts which he prayed God to avert, he felt it to be his duty to move, "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to direct that there be laid before the House, copies of all correspondence between the Secretary of State for foreign affairs, and the minister of the United States of America, during the year 1810."

The *Chancellor of the Exchequer* trusted the House would not be disposed to entertain such a motion as that made by the hon. gent., without any previous notice having been given, and more especially when the hon. gent. himself stated, that he did not conceive his motion could be followed by any thing in the present session, but merely the production of the papers. If ever there was a case in which a notice of motion was peculiarly requisite, it must be when no other proposition was speedily to follow. If it were necessary to do any thing immediately, that necessity might be reasonably urged to induce the House to entertain a motion without notice. Here, however, there was no such necessity, and he was persuaded that the House felt too strongly the benefit to public business, which was derived from the practice of giving notices of motions, to depart from their usual course on the present occasion. The hon. gent. could have had but two motives in bringing forward this subject. The one was to make a speech, the other to obtain the production of the papers in question. In the first part of these objects the hon. gent. had succeeded; and with respect to the second, as he himself declared, that it was not his intention to found any motion upon the papers during the present session, it appeared unnecessary to produce them until the next session. Such would have been his argument at any period, but if there ever was a time at which it was peculiarly incumbent upon the House to resist a motion of this nature, it was the present period, when no opportunity had been afforded for judging of the effect which might be produced by Mr. Foster's mission to America. Yet, at such a moment did the hon. gent. come forward with his tirade. At such a moment did he tell the American government not only that their interests, but that their honour, had been injured by Great Britain. At such a moment did he attempt to give an impression of the negociation which had taken place, of such a nature as might be fatal to the negociation which was still carrying on. With respect to the hon. gentleman's observations on the different parts of the correspondence, the present was not the period for commenting upon them. When the negociation should be terminated, that would be the time for discussing its merits, and not while it was pending. Indeed, those observations might well have been spared. Thinking, as he did, that the whole of the existing evils of the country arose out of the commercial policy of the British government, the hon. gent. had a right to avow that opinion; but at the present critical juncture, when the hon. gent. himself had admitted that no parliamentary proceeding could immediately follow his motion, he was not justified in making remarks, the tendency of which could at least not be beneficial. With respect to that portion of the hon. gentleman's speech, in which he declared his opinion, that the existing evils grew out of the commercial policy of the British government, did the hon. gent. consider that there was at least considerable doubt, whether, had this country not pursued the system which had been adopted, her trade would not have suffered as complete an exclusion from the continent as at present? In that case, the same pressure would have been endured by this country, as she sustained under the existing circumstances, with this aggravating consideration, that the enemy was suffering no inconvenience whatever, but that from the advantage of neutral carriage he was relieved from the pressure which he endured at the present moment, a pressure which he contended, was infinitely greater than that sustained by Great Britain, and which he was satisfied could not much longer be endured by the enemy. He urged this the more strongly, because he did not wish those unfortunate individuals who were suffering in this country from the suspension of commerce, to be impressed by the hon. gentleman's speech with the notion that their evils were attributable to their own government alone; that there was nothing in the conduct of France which had a tendency to occasion those evils; but that their own government were the real and sole enemies of their interests, Did the hon. gent. consider the effects of such a representation on the minds of the sufferers? The hon. gent. had alluded to a misrepresentation of what he (the Chancellor of the Exchequer) had said on a former night, and had dwelt on the alacrity with which the observation had been interpreted, as holding out the prospect of an accommodation between Great Britain and Russia. Certainly he had held out no such expectation. What he had stated was simply, that, in the present aspect of affairs in the north of Europe, it would be impossible for Buonaparté to make those exertions in Spain and Portugal to which he might otherwise be equal, as it might be dangerous for him to send all his force thither, leaving the other quarter without an adequate guard. This was the extent of his statement. The hon. gent. reproached him for the favourable description, which, on a former occasion, he had been enabled to give of the finances of the country. How was this reproach founded? Would he have been justified, because there existed considerable distress among the manufacturers, in stating the receipts of the Exchequer at an amount less than that to which they had reached? His duty was to lay before the House the actual situation of the finances of the country, and not to misrepresent that situation. The hon. gent. reprobated the duty which had been proposed on cotton wool, although that proposition was afterwards withdrawn, not from the slightest conviction that the manufacturers would have sustained any injury from it (for he was persuaded that it would not have diminished, by a single pound, the consumption of the raw material), but because a disposition to think that it would be injurious to their interest, had grown up among the manufacturers themselves, and had been encouraged by those to whom they looked up for advice and support. He should certainly oppose the production of the papers at present, although the motion was one which might perhaps be repeated, with great propriety, in the next session of parliament.

Mr. *Whitbread* stated in explanation, that he had not given notice of his present motion, because he had become possessed of the correspondence as published in America, only within the last forty eight hours. When the right hon. gent. opposite (Mr. Canning) had the seals of the foreign department, although as much indisposed to grant papers as any man, he never refused his assent to their production on the assertion that they had already been published in another form. He denied the possibility of his remarks producing any ill effect on the negociation with America. The object of his motion was to prevent the right hon. gent. from putting into the mouth of the Regent at the opening of the next session such assertions as he had put into his mouth at the commencement of the present session. The right hon. gent. taunted him with hostility to his own government. If he had sworn allegiance to ministers, the accusation might have been well founded; but his allegiance was due to the throne;

he would not call ministers the government; nor did he see when by their commercial folly they had brought the country to the state in which it at present stood, why he was called upon to palliate their conduct, and to represent things otherwise than as they appeared to him. To ministers he would say, that the distresses of the merchants and manufacturers originated in their conduct, and then turning round to the merchants and manufacturers he would say, that they had contributed to bring those distresses on. They had cheered at the Royal Exchange when the negociation for peace was broken off. To themselves a considerable portion of their misfortunes was ascribable. He never extolled the conduct of the enemy. What he contended was, that while that conduct was unjustifiable, the consequent proceedings of ministers were unwise. Affecting to tread in the steps of Mr. Pitt, ministers had fallen into the trap which he had cautiously avoided. Unless the country could retrace its steps, it was undone as a commercial, and would be undone as a warlike people. He declared that he would not withdraw his motion, although he should not give the House the trouble of dividing upon it.

Mr. *Rose* observed that it was unfair to tell the suffering manufacturers that English commerce was excluded fron the continent because ministers would not rescind their Orders in council, when the hon. gent. well knew that the revocation not only of the orders in council issued under the present administration, but of those issued, and wisely issued, under the last administration, was demanded, as well as those national rights with respect to blockade, &c. which Great Britain had so long and so indisputably possessed.

Sir *C. Price* declared, that most of the principal merchants with whom he had the honour of being acquainted, were of opinion that the orders in council had been most wise and salutary.

The motion was then put and negatived without a division.

PETITION OF MR. FINNERTY COMPLAINING OF HIS TREATMENT IN LINCOLN CASTLE.] Mr. *Whitbread* said, he had a Petition in his hand from a person confined in the Castle of Lincoln, complaining of the treatment he there met with, as not warranted by the judgment of the court which had sent him there. It was from a gentleman pretty well known to that House, Mr. Finnerty, who had been found guilty of a libel. He had read the Petition through, and as he perceived nothing improper in it, and as it was accompanied by certificates of ill health, and the opinions of his medical advisers that a less rigorous mode of confinement was essential to his recovery, he could feel no hesitation in presenting it. He had in the first instance recommended to Mr. Finnerty to petition the Prince Regent, through the Secretary of State for the home department. He had accordingly done so, and the right hon. gent. had written to the high sheriff of the county to procure information; but within these few hours no answer had been received. Under these circumstances he had approved of submitting the Petition to the House, and it was precisely the same as that intended to be laid before the Prince.

The Petition was then brought up, and read, as follows:

To the Hon. the House of Commons of Great Britain and Ireland, in Parliament assembled, the Petition of Peter Finnerty sheweth—

"That in consequence of a letter published in the Morning Chronicle, complaining of grievous injury sustained by Petitioner and by his countrymen in Ireland, Petitioner was indicted for a libel at the prosecution of lord viscount Castlereagh. That upon receiving notice of trial for the said libel, Petitioner found that the witnesses most material to his defence were absent from England, and therefore he had a motion made in the court of King's bench, for the postponement of the said trial, which motion was rejected; contrary, as he understands, to the usual practice of that court. Petitioner being unable to establish any defence in the absence of his witnesses, thought it expedient to let judgment go by default, without, however, any consciousness of guilt, being, as he offered, when brought up for judgment, ready to prove by the most irrefragable testimony, the truth of his allegations; particularly with respect to the infliction of torture in Ireland in the months of May and June, 1798. That Petitioner was, notwithstanding, sentenced to 18 months imprisonment in Lincoln Castle, where he has experienced, and continues to experience, a degree of rigour unprecedented in modern times—unauthorised by the terms of his sentence—and in direct hostility to the mild and merciful character of the British constitution.

"That upon the night of his arrival at this castle in the month of February, petitioner, although evidently in a bad state of health, was committed to a felons' apartment, where he is still compelled to remain. That finding his appeal to the jailor's consideration quite ineffectual, petitioner had a remonstrance presented to the visiting magistrates of the prison, of which the following is an abstract:

"'I am confined upon a ground floor, in a cold gloomy apartment, the door of which is nearly opposite to my bed, and opens into a yard about twenty-five feet square, enclosed by a wall about thirty feet high—so high, indeed, as to exclude the free current of air. In the centre of this yard is a grate, from whence issues the most offensive smell, owing, as I understand, to the common-sewer of the debtor's prison, which runs underneath, and which smell annoys me even in my cell. By this smell I am prevented taking any exercise in that yard, while I am denied the opportunity of enjoying air and exercise in the area which surrounds the prison, and to which all the other prisoners are admitted throughout the day, excepting only the common felons and myself. Of this privation I have the more reason to complain, because from the state of my health, being subject to indigestion and violent spasmodic affections in the stomach, I have been uniformly advised by all medical men, whom I have had occasion to consult, to seek the enjoyment of fresh air, and to take as much exercise as I could bear. Such has been the opinions of Doctors Lipscomb, Wright, and Stanton, whom I have consulted in London; and such also is the opinion of the physicians to whom I have had occasion to resort since my arrival here, and whose certificate is annexed. Such treatment as I complain of is, I am persuaded, as contrary to the intention of the Judges by whom I have been sent here, as it is, I submit, inconsistent with that to which any man committed for a misdemeanor, ought to be subjected.'

"That about a week after the petitioner's arrival here, he was, in consequence of this remonstrance, visited by the magistrates, one of whom, in the course of conversation, observed, that they (the magistrates) could not compel the jailor to accommodate petitioner with rooms in the front of the prison; adding, that he understood another person confined for a libel (whom he named) paid three guineas a-week for his accommodation in another prison. To this observation petitioner said, that he could not afford to pay so much; upon which another of the magistrates observed, that his (Petitioner's) subscriptions "were likely to be considerable." In a few days after this visit, petitioner was allowed to take exercise for three hours each day, which according to his request, was fixed at from eight to nine in the morning, from one till two in the afternoon, and from five till six in the evening. But this arrangement was soon after altered, and an order issued, that such petitioner should take exercise for 3 hours in succession, namely, from eleven till two o'clock. Against this order Petitioner again remonstrated; but the orders respecting the treatment of Petitioner have throughout varied in such a manner, as to justify Petitioner in stating that they are dictated by a spirit of oppression.

"That, for a period of nearly five weeks, petitioner was not allowed to go into the area for the enjoyment of air and exercise at all, in consequence of which his health suffered so severely, that the medical gentleman who usually attended him, thought it necessary to call in another physician; and Petitioner despairing of any redress from the magistrates, had the certificates of these two gentlemen transmitted to the sheriff, copies of which certificates are hereunto annexed. The sheriff in reply, as petitioner understands, communicated his opinion to the magistrates, that petitioner should be allowed the air and exercise recommended by the physician, but still petitioner has been allowed only one hour each day, namely, from one until two o'clock; and if it rain at that period he is not permitted to go out at any other hour, his application to that effect having been peremptorily refused. Upon one occasion, indeed, Petitioner being severely afflicted by a head-ache, to which he has been subject for some time back, sent a request to the gaoler that he might, in consequence of his illness, be allowed to go into the air of the Castle-yard, even for half an hour, in lieu of the hour from one till two o'clock—but this request was rejected. That this allowance of air and exercise granted to him, petitioner most sensibly feels, and his medical attendant has so represented it, but in vain.

"That there are various other instances of oppression and injustice, of which petitioner has to complain, but by the repetition of which he does not think it right to trespass upon the patience of your honourable House. Your Petitioner, however, cannot overlook this circumstance, that about a fortnight after his arrival here, a person who came from London to attend him in his illness was excluded from the prison, and a prisoner appointed to attend him whose integrity he has cause to suspect; but whom, nevertheless, he cannot dismiss, because no other person will be admitted, even the person who dresses his victuals being refused admittance. That under such circumstances petitioner appeals to your honourable House for relief, trusting that you will not sanction such severity as cannot be justified by the sentence passed upon him, such as he presumes to assert was not in the contemplation of the judges by whom that sentence was passed, such as was wholly unusual in this country. Petitioner particularly and earnestly requests that your honourable House, in consideration of the very weak state of his health, and the aggravation of his complaints, by the mode in which he has been hitherto treated, and which, if continued must terminate in incurable disease, will be graciously pleased to take such steps that Petitioner may be forthwith removed into an airy apartment, and allowed the air and exercise necessary for the re-establishment and preservation of his health—that such apartment may be easily afforded him, as there is room amply sufficient in the front of the jail, the jailor having set apart 13 rooms for his own use, while his family consists of only three persons.

" Petitioner begs leave to represent to your honourable House, that on or about the 27th of May last, a petition, couched in terms such as petitioner hopes were respectful, and signed by your petitioner, was transmitted through the Secretary of State to his royal highness the Prince Regent, representing the situation of petitioner.

" That petitioner has waited in the humble hope of meeting redress, through the clemency of his Royal Highness; but having this day heard that the Secretary of State for the home department, owing to some delay, which to your petitioner, suffering under such privations, appears extraordinary, has not yet been able to obtain the information which he professed it his duty to seek, previously to his offering his advice to the Regent upon the petition presented. Petitioner therefore fearing the speedy prorogation of parliament, has submitted his case to the consideration of your honourable House, not from any doubt of the justice or clemency of his Royal Highness the Prince, upon whose liberality he has the utmost confidence; but from the impatience of a man unjustly oppressed, and suffering under the pains of disease, brought on by the treatment he has received.

" All that petitioner requires, is an airy apartment, with the opportunity for air and exercise, which the prison yard affords,—And petitioner will ever pray,

" PETER FINNERTY."

" Lincoln Castle, June 16, 1811."

A Copy of Dr. Charlesworth's first Testimony to the magistrates of the County of Lincoln.

" Being professionally consulted by Mr. Finnerty, I am called upon to state my opinion, that his health, already much impaired, must materially suffer from the confinement to which he is now subjected, and from the alleged coldness of his room; and that a warm room and every possible advantage of fresh air and exercise are indispensibly necessary, not only for the chance of his recovery, but even for the preservation of his present state of health. I have the honour to be, Gentlemen, your most obedient servant,

(Signed) E. P. CHARLESWORTH, M. D.

" March 1, 1811."

Copy of Dr. Faussett's Testimony.

" Being called upon, in my professional capacity, to visit Mr. Peter Finnerty, in the castle of Lincoln, I found him affected with many severe complaints, arising from disease of the digestive organs, with which, from his own testimony, he has at different times before, when deprived of the opportunity of air and exercise, been in a slighter degree affected. From the testimony, also, of Dr. Charlesworth, who has attended Mr. Finnerty during the greater part of the time he has been here, those complaints existed to a considerable degree of severity in his first coming, but almost entirely went off, on his being allowed a freer air, and more extended place of exercise.

" Within the last three weeks, since he has been again more closely confined, they have returned in a much aggravated form.

" It is my opinion that there is little or no chance of his health being restored, without a freer allowance of air and exercise than the confined court to which he is at present restricted, will admit of, but, on the contrary, every prospect of his complaints going on increasing.

(Signed) "John Faussett, M.D.
"Lincoln, April 29, 1811."

A Copy of Dr. Charlesworth's second Testimony.

"After presenting, as addressed, the subjoined testimony, Mr. Finnerty was permitted to walk three hours a day in the area surrounding his prison; and in a week or ten days after that time, was so far recovered from his complaints as to render a continuance of my visits unnecessary.

"Immediately upon his return to close confinement, my professional assistance was again required, and in the course of three weeks, I find all his former symptoms not only returned, but greatly aggravated.

"Under these circumstances, it is my opinion that the same or a stronger necessity of fresh air and exercise exists than did at the time of my former application, of which the following is a copy.

(Signed) "E. P. Charlesworth, M.D."
"Lincoln, April 29, 1811."

Mr. Secretary *Ryder* stated, that he had that day received a letter from the high Sheriff, the delay of which was owing to his having been in town, and having left directions behind him, under the expectation of an immediate return, that his letters should not be sent after him. It informed him, that Mr. Finnerty had at first enjoyed only one hour of exercise in the open air, which period was afterwards extended to three. This indulgence, however, it was found necessary to withhold, in consequence of the extreme irregularity and impropriety of his conduct, and which was stated to be of a description not more inconsistent with decorum than with the rules and discipline of the prison. He was in possession also of certificates contrary to those mentioned by the hon. gent. He had, however, no objection to make every further inquiry necessary to prove whether it was possible to relieve the inconvenience complained of. His noble friend (lord Castlereagh) had, it was but justice to say, manifested every desire to render the confinement of Mr. Finnerty as mild as was compatible with the sentence.

Mr. *Whitbread* said, he knew not what Mr. Finnerty's conduct might have been; but the charge rested entirely on the authority of the letter received by the right hon. gent. But even if this was the case, he could not see why he should be denied airy apartments. The certificates which he had received were signed by three very respectable physicians, and were therefore entitled to belief. The observations of the magistrates, as recorded in the petition, were under any circumstances highly improper, nor was a want of money a just reason for adding to the severity of the punishment of any offence. The conduct of the sheriff likewise was very indiscreet.

Sir *Francis Burdett* did not know what powers were vested in the magistrates or gaoler to convert the prison into a House of correction, and inflict solitary confinement at their discretion. This appeared to have been done in this instance, and an acquaintance of his had informed him, that in passing through Lincoln, he had wished to see Mr. Finnerty, but was refused admittance. It likewise seemed to him that the Secretary of State was not a proper person to be appealed to, or any of the executive ministers of the crown. Enough had certainly been said to induce the House to take the Petition into full consideration, and extend to the prisoner all the relief and accommodation that was consistent with the nature of the sentence.

Mr. *Babington* said that a friend of his had been denied access to Mr. Finnerty.

Mr. *Hutchinson* thought that the allegations contained in the petition were of a nature that required an answer very different from that which had been as yet given. There could be no doubt that Mr. Finnerty had entered the prison in which he was now confined in a state of health much impaired; a circumstance which in itself ought to have been sufficient to have ensured Mr. Finnerty every possible indulgence consistent with his situation. Indeed, he thought, that this might have been rendered without any very extraordinary exercise of humanity. But instead of this, it appeared that he had been treated with downright cruelty. It was, indeed, a statement of cruelty so excessive, that in his opinion it would be to the disgrace of the House if they suffered it to remain on their table uncontradicted and unremedied. There were some parts of the Petition to which the right hon. secretary had given no answer; one especially, which appeared to him to require the fullest explanation, if indeed it could admit of any; and that was, that the gaoler, with but three in family, monopolized to himself the exclusive use of thirteen separate rooms; while Mr. Finnerty, at the manifest risk of his life, was to continue for eighteen months confined in a damp and noisome cell. He would ask, was this to be endured? Was it to be endured that a gaoler was thus to assume the power of making an infinite difference between punishments which the courts of law originally meant to be the same. Upon what ground did this gaoler take it upon him to refuse Mr. Finnerty's friends access to him? Was this a part of his sentence? and were they to leave Mr. Finnerty in such a precarious state of health as he then was, to the discretion of a man who seemed so capriciously and cruelly to have abused his trust? He felt himself bound to entreat, from the right hon. Secretary, some distinct declaration upon this part of the subject, pledging himself to interpose his authority in the remedying what appeared to be a system of oppression. Another circumstance, not very satisfactorily explained, was the great lapse of time that had intervened between the time of the letter of the Secretary of State to the sheriff, and the receipt of the sheriff's answer; such delay might have been of fatal consequences in cases where the health of the individual aggrieved had more rapidly declined.—As far as the present question personally related to Mr. Finnerty, he confessed that he was one of those who did not think it the less deserving their attention on that account. He did not stand forward to defend Mr. Finnerty's violation of the laws of his country, for which violation he was now making so severe an expiation; but however culpable Mr. Finnerty had been, he could not forget that gentleman's past life. At a very early age, when a mere boy, he began the world by turning the advantages of a good education into the means of honourable subsistence for himself and family; it was his misfortune while yet a boy, to live in times when it was criminal to complain of oppression; times which every honest and honourable mind must have witnessed with indignant regret; times in which such a system of oppression and persecution was pursued, as must, if persisted in much longer, have ended in the ruin of the country—in such times, and under the impulse of those feelings which they were but too well calculated to excite in every ingenuous mind, did Mr. Finnerty pass the limits of temperate discussion, and so bring down upon himself the weighty visitation of the law. To this offence Mr. Finnerty had been led by those sentiments which in periods more favourable to the cause of liberty, have distinguished the brightest characters in the history of this country. He had been in that instance, as well as in a subsequent one, right in principle, a rooted attachment to the cause of his oppressed country was that principle; and it was a principle from which, however punishment might remotely flow, disgrace never could. In this country, as in his own, the same principle had led him into the commission of a similar offence. He had in both cases told the truth beyond the licence of the law, and in this case, as well as in the former, he suffered in the cause of his country, which was the cause of truth and justice. He thought it, therefore, extremely harsh that a man so suffering for telling the truth, unjustifiably should be classed with the greatest culprits and felons in the admeasurement of his punishment, at the insolent discretion of a gaoler. There was besides a circumstance in the sentence of the court on Mr. Finnerty, which must have operated with peculiar severity in his case. It was well known that Mr. Finnerty had been for many years employed in this great city in a way most flattering to his literary talents, and, he believed, as productive in point of emolument as it was honourable. What, then, must have been the sufferings of this unfortunate gentleman, not only to have been thrown into gaol for eighteen months, but to be banished to so remote a distance as Lincoln, from the scene of his industry, and thus cut off from his literary connections, and perhaps the means of common subsistence? Under all the circumstances of the case, he thought it most particularly deserving the attention of the House. He concluded, by entreating of the right hon. Secretary to take the most speedy and effectual means of putting a stop to the system of oppression, by which Mr. Finnerty appeared to have been so shamefully persecuted.

Lord *Castlereagh* said, that his right hon. friend, the Secretary for the Home Department, had done him but justice in giving him credit for his wishes, respecting the mitigation of Mr. Finnerty's sufferings. When he had first heard of that gentleman's application upon that subject, he did not feel himself prohibited from interposing with his Majesty's government, for the immediate and effectual repression of any ndue severities which might have been xperienced by Mr. Finnerty. In claimng every exemption from such oppresion, he thought that the petitioner was sking not for indulgence, but for justice. Neither could any proceedings that might be taken in consequence of this Petition, be considered as a mark of indulgence to the Petitioner, it would be in ffect but remedying a wrong, restoring Mr. Finnerty to a right. In saying this much of the motive of the present applicaion, which appeared to him, if Mr. Finerty thought himself aggrieved, to be a ery justifiable appeal, he could not help lluding so far to the remote cause of the Petitioner's present situation. He had ot, he trusted, been remarkable for folowing up with any vindictive animadversions, attacks of a certain nature, but the ne made by Mr. Finnerty, was, he must ay, so gross a libel, not merely personally pon him, but upon the administration in eneral of Ireland at that time, that he hought his passing it over in silence might ave been misinterpreted as a tame acuiescence in the truth of charges so exremely heinous. He had, therefore, no lternative left him, but such an acquiscence, or the discharge of a painful public uty; in the discharge of it he had been nfluenced by no private motive. The House would do him the justice to admit, hat in attacks of that kind, merely affectng himself personally, he had not proved imself extremely querulous; but in the resent case, had he passed it over, he hould have really thought himself guilty f a great breach of public duty; that uty, however, having been now discharged, he should have great pleasure in orwarding every means for the removal f any oppressive usage, which the Petioner might have experienced. Nor, ineed, should he have been unwilling to ave been instrumental in applying to the ountain of mercy, had not the repetition f Mr. Finnerty's assertion of the truth of is statements of torture, &c. in the petion now upon their table, tied up his ands effectually from any such interposion. It did not however preclude him rom joining with the House in providing hat the wrongs of which the Petitioner omplained, should be redressed.—Having aid so much upon the question, as affectg Mr. Finnerty and himself, nothing at had fallen from the hon. gent. who spoke last, should tempt him to go then into the discussion of the conduct of the Irish government during the times so warmly alluded to; but this he would take the liberty of saying, that upon that question, when brought before parliament in a way likely to be subservient to the purposes of truth, he should be prepared to meet that hon. gent. or any other, and to prove to the satisfaction of the House and of the country, that the general conduct of the Irish Administration (he spoke not of individual instances of cruelty, which nothing could justify), was at that time fully justifiable.

Sir *Samuel Romilly* said, that this appeared to him to be a case of the very last importance; there was one material fact which had not been at all explained by his right hon. friend the Secretary for the Home Department. When this person was sent to the castle of Lincoln, there to be confined pursuant to his sentence; the gaoler locked him up in a solitary cell appropriated to felons—upon what authority did the gaoler venture to do this? the prisoner was not sentenced to solitary imprisonment—a punishmentconcerning which, however, he believed, there were no small doubts, as to whether there were any sanction of it to be found in the laws of England —but be that as it might, if there was such a distinction, was the imposing of it to be left in the hands of a gaoler? This would be a power beyond any thing exercised by the King's-bench. That court sentenced one man to twelve months imprisonment—another to eighteen—another to two years—but what was the difference of a few months more or less confinement, compared with that of solitary confinement, in a felon's cell, shut out from every intercourse, and even the means of earning subsistence wiihheld; and was this fearful discretion to be left to the whim of a gaoler? This was not the case of a private individual; it was the case of the public; this was putting into the hands of every gaoler the severest punishment that could be inflicted on a British subject short of death. Another consideration was that the punishment of the rich man would be essentially different from that of the poor man, though confined for the same offence, and under the very same sentence: from gaolers it might not be so wonderful; but what were they to say to magistrates who could have the face to tell this wretched man, that for three guineas a week more he could be accommodated with a better apartment? What! was this language for magistrates, who officially stood between the prisoner and oppression, to make use of in answer to an application for redress? This was a circumstance which could not rest there; it was certainly very late in the session, but late as it was, he thought that this fact and others, particularly the power so shamefully usurped by the gaoler, ought to be made the ground of a parliamentary enquiry.

Mr. *William Smith* declared that his hon. and learned friend had said every thing he meant to have said upon the subject. If the gaoler could put a man in solitary confinement, how was that man to get redress? He gave, perhaps, a letter to the turnkey to put in the post-office, and he threw it behind the fire—how then was it to be known? The man might die, and the gaoler might report him as having died in a fit, and bring in all his turnkeys to swear to it. He wished to know, who was answerable for all this? which of the five parties already mentioned in the course of the debate had the responsibility? was it the Secretary for the home department, the court of King's bench, the magistrates, the sheriff, or the gaoler?

Mr. *D. Giddy* admitted that the conversation alleged to have been held with the prisoner by the magistrates was, on their part, very reprehensible, but there could be no doubt, that even in saying what they did, their motive could not have been of any base or unworthy description.

Mr. Secretary *Ryder*, in explanation, stated, that the one hour's air and exercise had been at first enlarged to three hours at different times, one hour each time, and that on certain gross and indecent improprieties having been committed by the prisoner, that time had not been lessened; but it was thought advisable that he should take the three hours exercise at once, from eleven till two, every day: the cold of the apartment had been remedied by a baize door. It was a mistake to represent Mr. Finnerty as under solitary confinement. He was under no such thing. As to the complaint made by an hon. gentleman of the severity of banishing the petitioner to a gaol so distant from the metropolis, it was in compliance with the earnest applications of the prisoner's friends that he was not sent to a prison in the immediate vicinity of London, but sent to a country gaol, and one which was considered the healthiest in England. He understood that the offensive smell complained of did not exist. He professed himself, however, ready to recommend the adoption of every measure likely to promote the health and accommodation of the prisoner, and at the same time consistent with the precautions necessary to prevent a recurrence of the same indecent irregularities to which he had alluded.

Mr. *Whitbread* said that it appeared from various statements of Mr. Finnerty, that the gaoler had acted towards him in the most brutal manner possible, answering all his applications for redress by messages through the turnkey conveyed in terms the most insolent and scandalous. He hoped the right hon. gentleman would engage to get Mr. Finnerty one of the front apartments in the more airy part of the prison.

Mr. Secretary *Ryder* could not give any other than the general pledge he had given, qualified by the conditions he had annexed to it.

Mr. *Charles Adams* hoped, now that the right hon. gentleman had promised everything necessary to remedy the grievances complained of by Mr. Finnerty, the object of the petition had thus been gained; and since that was the case, he trusted the discussion would not continue the whole night. An hon. gentleman had favoured the House with a high and elaborate eulogium on Mr. Finnerty, and had certainly in the course of it brought certain merits of that person to light which he had never before heard attributed to him. He hoped, however, now that the wishes of the House were known upon the subject, that there would be no necessity for any more eulogies upon the great services and great talents of Mr. Finnerty.

Mr. *Hutchinson* said, in explanation, that in what he had said of Mr. Finnerty, he did not affect to pass any eulogy upon him. He had merely stated what he understood to be facts; and if those facts were of a nature so praise-worthy as to amount in effect to an eulogy, he did not see why the statement of them should have been so offensive to the hon. gentleman's delicacy. He might, however, call it eulogy if he pleased; but while it was true, he should not be ashamed of it. He did not think it ought to be withheld from Mr. Finnerty merely because he happened to be at that time an unfortunate prisoner pining in a cell. His motive in saying what he had of Mr. Finnerty was to do away that prejudice which he feared had been but too active against him in this country, and which was, perhaps, in part the cause of the oppressions under which he now laboured, and which it would be to the disgrace of that House to have heard, and not remedied.

Mr. *C. Adams*, in explanation, said, that he did not doubt the statement made by the hon. gentleman; but had said only that he had attributed to Mr. Finnerty qualities by which he had never before heard of his being distinguished.

Mr. *Brougham* agreed with the noble lord who had expressed himself so handsomely on this question, that this was an application for justice, not indulgence. He wished to set the right hon. Secretary right as to one point. He was present when the sentence was passed on Mr. Finnerty, and the jail then mentioned, he perfectly recollected, was the castle of Lincoln. He contended that the statement in the petition amounted to an allegation of solitary confinement. A learned friend of his had applied for admission; he at first got a flat refusal, but on his pressing his right of access, he was told that Mr. Finnerty did not wish to see any body; this evasion would not serve; his friend insisted upon Yes or No, and intimidated them into their duty. The learned gentleman then proceeded to comment upon the great hardship and injustice of lodging in the hands of a gaoler a power he might so easily pervert to satisfy the mean purposes of private pique. He insisted that the allegations of Mr. Finnerty respecting the dampness and noisome smell of the room were perfectly correct. Let the magistrates or gaoler who doubted them be treated with a night or two's lodging in the same apartment, and perhaps they might be then better disposed to agree with him. A common sewer passed through the middle of the room immediately under the flooring, and emitted a most noisome effluvia.

Sir *F. Burdett* said, he now recollected another friend of his who had called, and had been refused access to Mr. Finnerty. He was however admitted to him at a subsequent period; and so dark was the room at mid-day, that Mr. Finnerty was obliged to read the letter he brought him at the grate by the light of the fire.

Mr. *Ryder* repeated what he before said as to the advice he should give for the redress of Mr. Finnerty, stating at the same time, that he had understood that the persons charged with the custody of the gaol of Lincoln had in general discharged their duty with fidelity and attention to the general accommodation of the prisoners.

The Petition was then ordered to lie on the table.

HOUSE OF LORDS.

Monday, June 24.

INCITEMENT TO ASSASSINATION.] Earl *Grey* rose to call the attention of their lordships to a publication which had been put into his hands, the atrocious nature of which no words he was master of could adequately describe. He found it in a French paper, published in this country, and which he understood had considerable circulation on the continent. The passage he more particularly alluded to purported to be an extract from a weekly publication, entitled the Anti-Gallican Monitor, and written by a Mr. Louis Goldsmidt, which had never fallen into his hands. It was upon the tenor and tendency of that extract which he now wished to animadvert. The noble earl then read the passage, in which were enumerated the murders said to be committed by Buonaparté, from that of the duke D'Enghein down to the murder of captain Wright. It described the ruler of France as resorting to every means, however horrible, of getting rid of those who were obnoxious to him: he used the dagger in private, as well as the sword in the field: it was in vain to contend with such a man with any but his own weapons: we ought therefore to instigate the individuals of every country to retort his own weapons upon him, and to try the dagger, if by no other means the world could be delivered from him. Here, said the noble earl, was a direct exhortation, an open incitement to Assassination. And what opinion must all Europe have of the character of the British government and of the British nation, could it be imagined that such sentiments were countenanced here in any shape? Sure he was, that his Majesty's ministers coincided with him in the feelings of horror and detestation with which they would read such doctrines. It was under this conviction that he thus called their attention, and that of their lordships, to the infamous nature of such a publication, that they might have an opportunity, not only of disavowing such sentiments, but of expressing their abhorrence of them in those strong terms, which opinions so detestable were calculated to inspire. He was not aware of any mode in which he could proceed to punish the author; but his object was to have a doctrine so atrocious stigmatized and reprobated as it deserved.

Marquis *Wellesley* observed, that he could truly say, that the paper in question was never seen by him till it was communicated to him by the noble earl opposite. He fully coincided with that noble lord in thinking that such doctrines could not be too strongly reprobated, and that the atrocity of the sentiments could only be equalled by their absurdity. A doctrine more horrid in all respects he could not conceive, and he disavowed it, not only as a minister of the crown, but as a man of common sense. This writer had said, that the ruler of France had placed himself above all law; but the noble marquis trusted that there still remained a tribunal before which he would be compelled to answer even in this world. The nations of Europe might still call him to account, not by the poniard or the stilletto, but by calling forth all their energies, and punishing him in the field for those acts of perfidious aggression, by which his name would ever be rendered odious. Upon that point, he doubted not, the noble earl would concur with his Majesty's government. It was lamentable that such a production should have issued from a British press, and he was sorry it had escaped his attention. He would only add, that there was no way in which government could take an opportunity of reprobating such doctrine that they would not adopt, and if possible bring the author of it to condign punishment.

Earl *Grey* was perfectly satisfied with what had fallen from the noble marquis, and was only desirous that he might not be supposed to have stated any belief in the charges made in the publication alluded to, against the ruler of France, several of which he was convinced were false.

Marquis *Wellesley* deprecated that system of vile abuse against the ruler of France, which appeared to have been adopted by the paper alluded to. Let his oppressions and acts of aggression, be stated in the language which belonged to them, without descending to vile personal abuse. He also was desirous that with regard to the charges alluded to, he should not have been understood to have expressed any opinions as to their accuracy.

The Duke of *Norfolk* suggested the propriety of laying the paper on the table. It had been published in the heart of the metropolis, and the tendency of it must be generally reprobated. His grace thought it ought to be burnt by the hands of the common hangman.

Marquis *Wellesley* said, that the laying of the paper on the table would be giving to it greater consequence and circulation. He disavowed any knowledge, on the part of ministers, of this subject, and repeated his general agreement with the opinions of the noble earl.

BANK SILVER TOKENS BILL.] On the third reading of the Bank Token Bill, Earl *Stanhope* made several observations on the scarcity of gold, and suggested a remedy for the inconveniencies arising from the want of a legal tender, stated in the following Letter from his lordship to the Lord Chancellor, which the noble earl read as part of his speech:—

No. 49 Berner's-st. June 22, 1811.

"My Lord; agreeably to your lordship's desire, I have the honour to communicate the outline of my plan, in a few words; knowing that you will like that better than my doing it, at an unnecessary length. The subject is of the first importance.

"The want of Gold prevents bankers and others, who may have large payments to make, from making any legal tender.

"Bank notes cannot, by act of parliament, be made a legal tender, without the most manifest injustice; for a man who might be perfectly willing to accept a bank note for a debt due to him, may very fairly object to any individual note (especially if a worn note) from the impossibility of his being certain that it is not a forged one.

"My grand object, though not the only one, is, to establish a mode of making payments, which shall enable parliament, when they shall think fit, to enact a new species of legal tender.

"First, I propose that the bank of England shall, as is the case in Scotland, have many branches, in various parts of the country and of the metropolis.

"Secondly, That the bank shall cause books to be opened in all those places.

"Thirdly, That persons, possessed of bank notes, shall be intitled upon depositing such notes, to have a credit in the bank book, at the place where such deposit is made, equal to the value of the said notes.

"Fourthly, That every person having such credit, so entered to his account, in any one place, as aforesaid, shall be entitled to transfer the whole of such sum, or any part thereof, to his own account, or to that of any other person, at any place, where any such bank book is kept.

"Fifthly, As, under proper management such entries and transfers cannot ever be forged; there would be no injustice, if such a transfer were, by law, to be made a legal tender.

"The rapidity of such transfers without any danger of loss, from the mail being robbed, or from insurrections, or other consequences of an invasion, must be felt by your lordship as a great additional recommendation of this plan. I have the honour to be with great respect, my lord, &c. STANHOPE."

The Duke of *Norfolk* thought that the three shilling tokens being so near in value to half crowns would be scarcely distinguishable from them, and that some confusion would thence arise.

Earl *Bathurst* stated, that these tokens were rendered wholly different in their appearance from half crowns, and might be easily distinguished from them.

The Bill was read a third time and passed.

HOUSE OF COMMONS.

Monday, June 24.

Mr. Finnerty.] Mr. *Chaplin* rose to make some observations respecting the Petition of Mr. Finnerty, which had been presented to the House on Friday. The hon. gentleman said he rose for the purpose of vindicating the magistracy of the county of Lincoln from any imputations which the allegations contained in that Petition might have a tendency to excite. He spoke, then, generally of them as a body of gentlemen every way worthy of the trust reposed in them. He next adverted to the severe and cruel treatment which Mr. Finnerty complained of having received from the gaoler. He affirmed, on the contrary, that the treatment had been most kind and indulgent, till the impropriety of Mr. Finnerty's conduct had rendered a more rigorous sort of treatment absolutely necessary. As to the apartment of which so much had been said, he had been in it. It was a room 22 feet by 11, and 16 feet high. There was one window of 4 feet by 4½ feet; and when he was there, he did not perceive any offensive smell. He upon that occasion saw Mr. Finnerty in the court-yard; and he then understood, that until Mr. Finnerty had forfeited all title to any indulgence by the impropriety of his conduct, he not only had free access to the court-yard, but was allowed to walk in the gaoler's garden, and had liberty to read in the gaoler's green-house. He concluded by expressing his belief that the gaoler was not a man disposed to treat his prisoners cruelly, and that the magistrates were a most respectable body of men.

Mr. *Howarth* said, that nothing had fallen from the hon. gentleman to alter at all in his mind the material points of this most extraordinary case. He was not disposed to question the title of the magistrates in general of the county of Lincoln, to the character given of them by the hon. gentleman; but of this he was clear, that if they, or any of them, held with Mr. Finnerty such a conversation as he charged them with having held, they were no longer fit to hold their offices as magistrates—and if the conduct of the gaoler was such as had been represented, he thought that that person should no longer be suffered to abuse a trust of which he must in such case have proved himself so unworthy. What! was it to be endured that a gaoler should turn the sufferings of his unfortunate prisoners into a source of emolument? Mr. Finnerty was suffering the sentence of the law—but was he therefore removed out of the protection of the law? Was this gaoler to be allowed to play the part of his brother in the Beggar's Opera, who had his fetters of all prices, and was loading captain Macheath with an enormous pair, until the captain bribed him to afford him a lighter? He trusted the House would interfere to prevent such unconstitutional oppression.

Mr. *Brougham* said that the most serious part of the charge against the gaoler, that of his having aggravated the sentence of the court, which was mere deprivation of liberty, into the infinitely more grievous punishment of solitary confinement—that part of the charge had not been touched upon by the hon. gentleman. This was, perhaps, the most important part of the question, whether a gaoler being entrusted with the charge of two defendants, both sentenced for the same offence to the same term of imprisonment, could, at the suggestion of his own caprice, or for purposes of his own emolument, make those punishments essentially different, which the court of King's Bench had originally intended to be substantially the same. Solitary confinement was not so much different from, as opposite to, mere ordinary imprisonment, where a man had free access to his friends, and every accommodation he would have in his own house, with the exception of the restraint upon his liberty. As to the noisome smell in Mr. Finnerty's apartment, he had been among the first to vouch for the truth of that fact; at least as far as he could vouch for the truth of any fact which he had not known from personal observation. An hon. and learned friend of his who had been in the cell assured him that the common sewer passing under the flooring of the cell emitted a most loathsome smell. Were there, however, no other facts than those respecting the gaoler's conduct in changing Mr. Finnerty's sentence into solitary confinement, and that other also respecting the conversation held by the magistrates with Mr. Finnerty—were there no other than those two, he fully concurred with his learned and hon. friend (sir S. Romilly) in thinking that both or either in themselves, notwithstanding the late period of the session, furnished ample grounds for grave parliamentary inquiry.

Mr. *Chaplin* replied, that the coercions subsequently imposed upon Mr. Finnerty might have been found necessary in consequence of his attempts to seduce the under officer of the prison from his duty. So far from his confinement having been solitary, he was allowed a servant, who was in constant attendance on him.

INSOLVENT DEBTORS' BILL.] On the motion for going into a Committee on this Bill,

Sir *S. Romilly* said, he should be extremely sorry that a question of such great public importance should pass over like a matter of course without any observation. Although the passing of Insolvent Bills, from time to time, became necessary from the defect of our laws, the very necessity of them was a reproach to our law. He thought that it would be infinitely better, that some general act should be passed on some fixed principle: for example, that after an imprisonment of twelve, or six months, or any other fixed time, any debtor should be intitled to his liberty on his giving up his property. By the existing law the creditor was entitled to imprison his debtor for life, yet the legislature found that this was a system on which it was impossible to act. It appeared to him, that it would be much better to amend the defect of the system by a general law; and he highly approved of the principles of a Bill brought in in another place (lord Redesdale's Bill), although he thought it was capable of improvement in some of its clauses.

Sir *T. Turton* hoped, that by the next session gentlemen would be disposed to acknowledge the propriety of passing some general act upon this subject; as the Insolvent acts now operated, they did almost as much evil as good, as they certainly let out a great number of fraudulent debtors.

The House then went into a Committee on the Bill.

REPORT ON THE PETITIONS OF THE MANUFACTURERS OF MANCHESTER, &c.] Colonel *Stanley* was extremely sorry that it was not in his power to propose some measure for the relief of the Petitioners. He was glad, however, that the Petition had been referred to a Committee, as the Petitioners themselves would be better satisfied, when they found that although the House could give no relief, they had bestowed their serious attention to the case which had been laid before them. It was certainly a most afflicting consideration, that in the town of Manchester and its vicinity there were no less than 25,400 persons, who had in some shape or another, received parish relief in the present year.

The *Chancellor of the Exchequer* observed, that the Report of the Committee being now before the House, it must be disposed of in some regular manner.

The *Speaker* suggested, that it was the usual course in such cases for some gentleman to move the farther consideration of the Report at some day beyond the probable duration of the session.

Mr. *Davies Giddy* rose to move that the Report be taken into farther consideration that day month. He said that the conduct of the Petitioners throughout was highly praise-worthy, and such as must excite the greatest sympathy for their misfortunes. He, however, deprecated the idea of reviewing the general policy of the government of the country in an investigation of this nature. If any gentleman saw any thing wrong in the general policy of the government,—it should be brought forward as a substantive measure, and not blended with the sufferings of any particular class of people. This might excite all the bad passions, and those most dangerous to the state, without doing the least service. If any particular manufacture fell into disuse, the only remedy the persons employed in it could have, was either to work at lower prices, or to employ their labour in some other manner. He thought that many of our manufacturers would be obliged to turn their attention to agriculture, which would make this country independent of the rest of the world. He thought it was necessary to extinguish any hope of their meeting relief in any other manner.

Mr. Rose and Mr. Blackburn coincided in the sentiments of the last speaker, and bore testimony to the exemplary conduct of the manufacturers.

Lord *A. Hamilton* said, that should the case of the Petitioners come before the House next session, he should then feel it to be his duty to enquire into the causes that led to their distresses.

Mr. *Wilberforce*, in referring to the orders in council, did not think that as yet the advantages arising from them were so great, or the dangers to be apprehended from their continuance so alarming, as to make persons quite positive as to their ultimate result either way. He confessed, however, that even from what they had already done, if he was not very sanguine, he indulged strong hopes; they had revived our trade, and almost annihilated that of the enemy. He spoke highly of the merits of the petitioners.

Mr. *W. Smith* gave his testimony also to the temper and patience of the Petitioners. He hoped their good sense would see the impossibility of that House interfering to compel the masters not to lower their prices, and that they would wait with patience till the circumstances of the country would effect their relief; applying themselves in the interim to the other branches of the trade which could be turned to any account.—The motion then passed in the affirmative.

MONUMENTS FOR GENERALS MACKENZIE AND LANGWORTH.] The *Chancellor of the Exchequer* rose to move for public Monuments to the memory of major-general Mackenzie and brigadier-general Langworth, who fell at the battle of Talavera. He was extremely concerned, that he was so misconceived on Friday as to be understood to mean sir W. Myers in his notice. Although he was as sensible as any man of the gallantry of sir W. Myers, who fell at the glorious battle of Albuera, yet the House would see that it was necessary to draw a line somewhere, and that a person must have arrived at a certain military rank before such an honour was paid to his memory. Major-general Mackenzie and brigadier-general Langworth were of that rank, and he took some shame to himself for not having proposed it before. The fact was that when he moved the vote of thanks on the former occasion, it was the first time he had ever made a similar motion, and he did not then know that even the rank of major-general was sufficient to have such a public honour bestowed; but upon enquiry he found that it was usual. After touching shortly on the merits of general Mackenzie, which were eminently displayed in the command of the advanced guard of Talavera; and also after bestowing commendations on brigadier-general Langworth, an officer in the German Legion, he concluded by moving "That an humble Address be presented to his Royal Highness the Prince Regent, that he will be graciously pleased to give directions that Monuments be erected in the cathedral church of St. Paul, London, to the memory of major-general Mackenzie and brigadier-general Langworth, who fell on the 28th day of July 1809, in the glorious battle at Talavera de la Reyna; and to assure his Royal Highness that this House will make good the expense attending the same."—Agreed to, *nem. con.*

MISSIONARIES.] Mr. *Prendergast* wished to put a question to some hon. members, whom he then saw in their places. He read from a newspaper, the proceedings of the Missionary Society, at a public dinner. To those resolutions were signed the names of Mr. Wilberforce, Mr. Babington, Mr. Grant, and Mr. H. Thornton. The part to which his attention was particularly directed, was that Resolution by which 250*l.* was to be given, to pay persons for reading the Scriptures in the market places of the populous cities in Asia. He wished to know, whether those gentlemen avowed such a resolution.

The *Chancellor of the Exchequer* spoke to order.

The *Speaker* said, that it was certainly quite new in the proceedings of parliament, for members to be questioned in that House about what passed at tavern dinners.

Mr. *Prendergast* said, that this paper would go to India, and might do a great deal of mischief there. It appeared to him a matter of such public importance, that he must, in some way or other, bring it before parliament.

PROPERTY TAX.] Sir *Thomas Turton* rose in pursuance of the motion of which he had given notice. He thought it was most evident, that the Property-tax, as it was called, was very unequal in its operation, and very oppressive on many classes of society. A person who had 200*l.* per annum by way of annuity, which would expire with his life, was called upon to contribute his 20*l.* as well as the man who had his 200*l.* per annum from land that would sell at thirty years' purchase, although the one man would have property to the value of 6,000*l.* to leave to his family, and the other would have nothing. This was in the highest degree unequal and unfair. It was very hard upon poor excisemen, whose salaries were but 70*l.* or 80*l.* a year, that they should be obliged to pay income-tax. It was extremely hard on those whose incomes are not 60*l.* per annum. It was also extremely oppressive on the small stock-holder whose dividend amounted to forty-shillings a year. If it could be proved that the tax was unequal and unjust, it ought to be equalised and set right, even although the revenue might lose by such alteration. After some farther observations the hon. baronet concluded by moving "That this House will, early in the next session of parliament, take into its consideration so much of the Property Tax as relates to the Contributions and Exemptions."

The *Chancellor of the Exchequer* was always averse to the House giving such pledges unless there was something very particular in the nature and urgency of the measure proposed, as without such a pledge it was competent to any member of parliament to bring the subject forward as early as he pleased in the next session; and the giving the pledge, while it did not really bind the House to adopt any particular motion, would yet appear to the public like pronouncing an opinion upon the subject, and holding out some sort of promise, that an alteration was to be made. Now, when a former administration thought proper to raise the income tax to ten per cent. he thought they had acted wisely and manfully; and although he did not agree with them in the argument, that it would be pleasanter to pay ten per cent. at once, yet he approved of the increase of the tax. If he thought it necessary at that time, the public expenditure was certainly not diminished since that time, and therefore he must oppose a material diminution of the revenue. The hon. baronet had himself been aware, that the alterations he intended to propose would produce a material diminution in the revenue, and there would be no way of supplying it but by laying taxes on some of the necessaries of life, which would press as strongly upon the poorer classes, as the tax from which it was proposed to relieve them. As for laying a higher income-tax upon the richer classes, that would be a complete subversion of all the principles of justice, by which the property of all men should be equally protected by the law. As to what the hon. baronet had said of the war being carried on from a sanguinary motive, he could not agree with him; he did not think the people of this country were actuated by any such principle, and he was certain the war had never been continued by ministers on any other ground than from a thorough conviction of its absolute necessity.

Mr. *W. Smith* admitted that the tax as it stood was free from many of the objections which attached to it in its original state. It had been matter of astonishment to him that, as it first stood, any minister should have ventured to propose such a tax for the endurance of a free people, or that it could have been pressed down their throats without military force. The rigid inquisition into the private fortunes of individuals had been even more offensive than its inequality; now, however, it was certainly less objectionable. In its original state it was almost exactly the tax, which the revolutionary tribunal proposed to impose in London, provided they conquered it, as had been shewn in one of the daily prints at that time. But even to the tax as it existed at present, he thought the hon. baronet's objections well founded. The right hon. gentleman had said, that the notion of a tax upon capital would lead to a levelling principle, if pushed to an extreme; but suppose the principle of the tax on income, which it was at present, were pushed to an extreme; a person having 60*l.* a-year was liable to pay a 10th part of it. Now, there were persons with families who could not, by any economy, live on less than 60*l.* a year, and consequently, without some adventitious aid, if the tax was paid some of the family must starve. This, however, he acknowledged to be a subject of great difficulty, and nothing but an approximation to equality could be expected. But the principle ought to be to leave with persons of small income the means of decent living in the first place, and then to tax incomes beyond this in nearly an equal degree. The war might yet last a long time, and though he himself might, upon the plan which he suggested, be liable to pay more than he now paid, yet if the poorer classes were in some measure relieved, by removing the burthen to the higher classes, he believed the country would be better satisfied. He therefore wished that a pledge should be given this session that the House would reconsider the principle of this tax, allowing, at the same time, that it was impossible to relieve the lower classes in any way that would not produce a defalcation in the amount of this particular tax.

Sir *T. Turton* shortly replied. He never had an idea of taking the whole tax off the lower classes, and placing it on the higher; but he thought a medium of approximation might be hit upon; and it was on the principle of contributing according to ability, that he wished to advocate the measure. If ever there was a period in which there was necessity for ministers to consider how far the people could contribute from inability, the present was unquestionably that period. Every thing that could be done by courage and noble exertion he was confident would be effected, but the struggle he was convinced would be long, and it would be highly necessary to husband our means of carrying on the war. It was impossible we could hold out otherwise against the superior population of France, because for every 5,000 men we lost, they could afford to lose 20,000. This motion had engaged his serious attention for a great length of time, and he thought it so important, that even if he should now fail in it, he would certainly bring it forward in the course of the next session.

The motion was then negatived without a division.

HOUSE OF COMMONS.

Wednesday, June 26.

PETITION OF MR. ST. JOHN MASON.] Mr. *Sheridan* said, the case of Mr. St. John Mason, which he was now bringing before the House, was one of the most unexampled grievance which had ever occurred in the annals of oppression in this country. From his former experience it was his wish that the Irish government should agree to take Mr. Mason's case into their own hands; but from the absence of the right hon. gentleman, lately principal secretary, and now, he understood, Chancellor of the Exchequer, for Ireland, he was obliged to relinquish any hopes he might have formed on that subject. It was some time since Mr. Mason had suffered the oppression and injustice of which he complained; but it was proper to observe that Mr. Mason brought no charge against lord Hardwicke, under whose administration that oppression took place. What Mr. Mason complained of was, that on false information he had been arrested and kept in imprisonment for two years in one of the most loathsome and unclean prisons that the imagination of man could conceive. The horrors of the Irish prisons could not even be imagined by those who had not attended to the Report which had been made on the subject. Two-thirds of the gaols, especially of those in the vicinity of the metropolis, which were the principal gaols of the country, were declared to be a complete nuisance. It was astonishing that these abuses should have subsisted so long under the cognizance of so many members of parliament of that country in this House. The power of the commissioners appointed to examine into the prison abuses in Ireland, was limited to that object alone. Some of those prisoners who, like Mr. Mason, were arrested and put into confinement without any sufficient cause, during the suspension of the Habeas Corpus act, thought themselves entitled to compensation for the injury which they had sustained from it: but Mr. Mason had uniformly persevered, with an anxiety which did him the highest honour, not to seek for compensation for the losses which he had sustained in being dragged from an honourable profession to the destruction of all his future prospects in life, but to have his character, which had suffered in the eyes of the world by a groundless imprisonment, again restored to him. He had uniformly persisted in challenging all inquiry into his conduct, and in calling upon government to shew any thing to the contrary of his statement. There was one paragraph of his Petition particularly deserving of notice, in which he stated, that he had applied to the Irish government again and again, soliciting an examination into his conduct, but that all applications which he had hitherto made had been unavailing; and he therefore concluded that the Irish government were under an absolute inability to state any just cause for his imprisonment. Mr. Mason charged the government of the earl of Hardwicke with injustice and oppression towards him, and with an abuse of the power which had been granted to them for the protection of the people; and no answer had been made to him from which it might be possible to say whether the information received by the government was such as to justify them. If the information upon which a man was deprived of his liberty was not producible, then there was an end to every thing like redress. If they were to keep a man in custody for two years, and then to be allowed to say, It is true we have thought proper to imprison you for two years, we have been the ruin of you and your family; but we did it upon very sufficient information, which we will not produce—that was no answer to the Petitioner. What possible objection could government have to oppose to his claim? He wished government themselves to take up this examination, that they might see that they had proceeded on false information. Was it not the wish of lord Hardwicke himself that this examination should be entered upon? Here he stood charged with oppression by a person who defied him to produce any thing against him. Surely, then, it must be his wish to examine into the charges on which Mr. Mason was imprisoned, that if they should turn out unfounded, he might have the satisfaction of restoring Mr. Mason to his former character in society. Under such an impression, he had no idea of the government's controverting this Petition. There were two ways alone by which the Petitioner could obtain redress. One of these was by the appointment of a Committee up stairs; but at this late period of the session, as it would be necessary, in order to give the necessary information to that Committee, to move for the production of a number of papers in Ireland, it was impossible to anticipate any benefit from a Committee. What he had to propose was, to leave the matter in the hands of the Irish government themselves, in the same way as the examination of the prison abuses had been entrusted to them, which he would follow as a precedent; and he had no doubt that the consequence of such examination would be the restoration of character to Mr. Mason. He should therefore move, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions to the Lord Lieutenant of Ireland, to institute an inquiry into the case of John St. John Mason, esq. who, in a Petition presented to this House on the 17th of May last, hath directly charged the government of the earl of Hardwicke, when he was Lord Lieutenant of Ireland, with injustice and oppression towards him the said John St. John Mason."

Mr, *Yorke* seconded the motion. As far as his noble relation and himself were concerned, they wished for investigation; but there were a few points in the speech of the right hon. gent., upon which he was desirous to make some observations. The right hon. gent. had said, that this was an instance of unexampled oppression; this unexampled oppression, however, he had brought forward two or three times before, but had always appointed a late day for the discussion, and after several disappointments, submitted it at length almost on the last day of the session. Surely if the case did amount to an unexampled oppression, the right hon. gent. would not have delayed so long. But the right hon. gent. had said, what the petition itself did not state, that the gentleman on whose behalf he applied to the House, had been confined in a place described to be loathsome and abominable. The Report of the commissioners said the contrary. The right hon. gent. had also maintained, that if the grounds upon which any person was confined were not stated, individuals would be exposed to constant oppression: but the gentleman in question was confined under the suspension of the Habeas Corpus act; and the argument, if good for any thing, would go against the suspension of the Habeas Corpus Act, which was not the point at issue. The fact was, that from the Revolution down, the Crown had constantly exercised such a power, for the purpose of prevention not of punishment. He approved of the wish manifested by the petitioner to retrieve his character; it was honourable—and as it was proposed that government itself should give him the opportunity, he should feel himself guilty of an act of injustice were he to refuse. He hoped the intelligence he had received might prove to be false. Mr. Mason was taken up at the time when the detestable insurrection broke out in 1803, and was released from prison before the Habeas Corpus suspension act expired. As far as his noble relation was concerned, he had no acquaintance with Mr. Mason, and therefore could not be suspected of any personal resentment towards him, or any wish to injure him as an individual.

Sir *Evan Nepean* said that his right hon. friend who brought forward the motion was not acquainted with the time in which the petitioner was imprisoned. He (sir Evan Nepean) was not in Ireland when Mr. Mason was taken into custody, but having arrived there shortly after, he had entered minutely into an investigation of the circumstances, and concluded from thence, that if government had not arrested him, it would have been guilty of misconduct. He had afterwards, by the order of lord Hardwicke, examined into the cases of all the state prisoners, and if there were any favourable circumstances in that of Mr. Mason he should have been glad to have released him. He had also examined the place of his confinement, and found it to be clean and comfortable; and, having gone at periods when he was not expected, found every thing conducted with an attention to the comforts of the prisoners.

Mr. *W. Smith* wished to do away every unfavourable impression which the distance of time might make on the mind of the House. He had met the petitioner occasionally at the house of a common friend, and if any delay had taken place in bringing his case forward, he could take it on him to say, that it was not attributable to him, though other gentlemen might innocently enough be the cause of it, because he would take it upon him to say that Mr. Mason was incessantly endeavouring to forward his petition. If Mr. Mason had not good and sufficient grounds, he could not imagine he would be so anxious to procure an examination in public, in private, or in any other way. He acted like a man conscious of his own innocence. It might very well happen that, in a country like Ireland, where parties were in such a state of exasperation, if anonymous information were listened to, an innocent man might become the victim of party spleen and malice. The right hon. gent. (Mr. Yorke) had said, the argument extended to all Habeas Corpus suspension cases. He confessed he was more anxious for the general than the individual case. The public safety might demand occasional suspensions of the Habeas Corpus act; but what was that but saying that the public safety might require an injury to an individual, holding him up to all the members of society as a suspected person, and at last dismissing him without accusation? Where was the remedy for this oppression? This ought not to be allowed to take place in a free country. There ought to be some tribunal appointed where an injured individual might seek redress; and if government could shew no grounds for the deprivation of a man's liberty, then he ought to be declared innocent of those crimes for the suspicion of which he was arrested. In this way it would be possible to reconcile the justice due to the country at large with the justice due to any individual who might suffer for the sake of the country at large. He wished that a Committee up stairs had been appointed, as the government might very naturally wish to justify themselves.

The *Chancellor of the Exchequer* said he was not aware of any difficulty under which Mr. Mason laboured, as to the possibility of bringing forward his case. He did not believe that any act of indemnity followed the year in which he was confined, and therefore it was competent to him to bring his action. He was sure the House would agree that persons might be confined upon information which government could not disclose, without shutting itself out from such sources of information in future. If the question was brought before a jury, if it was evident that government was not actuated by any malicious feeling towards the individual, and that the Habeas Corpus act was not unnecessarily suspended, he was sure that no judge or jury would award damages, and therefore Mr. Mason might have acted properly in not appealing to the law. He thought his right hon. friend was right in recording the motion, especially as the House would be able to pursue the subject in a committee of its own, if it should not approve of the conduct of the investigators now appointed.

Sir *F. Burdett* said, the doctrines laid down by the right hon. the Chancellor of the Exchequer seemed to him of such a nature, that if they were true, we appeared to have no security for personal liberty in this country, more than what was possessed by men in other countries. If a gentleman was to be kept in solitary confinement for two years, and the grounds upon which government acted were not to be made known to him, it was impossible to define arbitrary power more completely. This was just such a doctrine as one would expect to hear from Buonaparté's minister of police, or whoever else should fill a situation corresponding to that of the right hon. gentleman over the way. The suspension of the Habeas Corpus act gave ministers no right to imprison persons whom they were not authorised otherwise to imprison: it only took away from the unfortunate individual the right of forcing on his trial within a reasonable time. With respect to the treatment which the Petitioner had received from Dr. Trevor, he would ask, what colour of pretence Dr. Trevor had to alter the treatment of the prisoners. There seemed to be lately a new mode of proceeding adopted with regard to gaols, persons interfering in the management of them who had no right so to interfere. They were told of the character of Dr. Trevor, and they were also sure to be told of the character of the unfortunate complainers. And he heard the other day of the improper conduct of a person under confinement in this country. What that impropriety was he could not conceive. If the prisoner had endeavoured to effect his escape, then the gaoler was bound in duty to take measures for securing him; but he was not at liberty to punish this individual at his own discretion. He should wish to see an action brought against government by the petitioner, and he thought that any jury would give it in his favour. It was always the case with governments to possess an unwarrantable jealousy with regard to the subject; they wished always to make assurance double sure, rather than allow persons to escape from whom they apprehended danger.

The *Chancellor of the Exchequer* in explanation said, that he only justified bills of indemnity in cases where rebellion was known to exist, and where its existence was recognized by parliament, and not in the general way attributed to him by the hon. baronet.

Sir *C. Burrell* said, that at the time of the suspension of that act in Ireland, a rebellion did exist; and it was necessary that government should be entrusted with greater powers than usual.

Sir *H. Montgomery* bore testimony to the mild government of lord Hardwicke, and expressed his confidence, that however this investigation might turn out, that noble lord would be found to deserve the thanks of the House.

Mr. *Hutchinson* said, he should be sorry, in voting for the present motion, if any one should suppose that he was any wise reflecting on the character of lord Hardwicke, of whose administration the leading features were lenity and conciliation. At the time when Mr. Mason was arrested there was no rebellion in Ireland, but merely an alarm and suspicion; and there was every appearance, from the anxiety which that gentleman displayed to have his case examined into, that he was innocent. But in sending this investigation to the Irish government, there was no imputation thrown on the Irish government, because it was perfectly possible for the chief governor, however amiable, to have been misled, and for acts of the greatest outrage to have been committed under his auspices under the pretext of keeping down rebellion; and though he was not for charging the noble earl with countenancing these oppressive measures, yet he would say, that the greatest outrages which were committed in 1798, were not committed by the rebels, but by those who acted under the government. To his knowledge several innocent individuals had been ruined by the measures adopted towards them, and then let loose on the country without retribution or compensation.

Mr. *Long* said, that such was the lenity of lord Hardwicke, that when Secretary, he had been desired by him to examine into the cases of the several prisoners, and to report them to him, with the anxious desire to find out any thing in their favour. He then mentioned the treatment of Mr. Mason, which, he was satisfied, would be found to have been perfectly proper.

Mr. *Sheridan* denied that any charge was meant to be brought against lord Hardwicke. All that was alledged, was that lord Hardwicke had been deceived. But the chief point to which he was anxious to advert, was, the view which had been taken of the suspension of the Habeas Corpus act. Most erroneous notions were entertained even by lawyers on this subject. Many gentlemen appeared to think, that by the suspension of the Habeas Corpus act, government might upon the slightest suspicion, seize any one, and confine him without a trial as long as it pleased. The suspension gave no such power. He maintained that it never had been so acted upon since the Revolution till Mr. Pitt's administration.

The extent of the power was this, that government having committed a person upon such information, as would at any time have justified that commitment, might by virtue of the suspension, put off the trial; and this in critical times might be necessary, as a premature disclosure of the evidence might in certain circumstances be extremely prejudicial. But, under Mr. Pitt's administration they did not wait for this information, nor was it specified in their warrants that any such information had been obtained. They thought, that from the most trifling suspicion in their own breast they might imprison and keep the object of their suspicion as long as they pleased. They were in reality guilty of a serious crime, and the gaolers, too, were criminal who consented to receive prisoners under such warrants. And, what was the remedy for these proceedings? An act of indemnity! He knew it must come to that, for they themselves found that their conduct was illegal. If ministers were permitted to act thus, and to be indemnified for such conduct, there was no security for the liberty of the subject. Sham plots, or real plots, or plots of any description, would afford the minister a pretence for confining persons obnoxious to him. The indemnity to which he alluded passed under the administration of lord Sidmouth, and it was the only act of that administration which he had decidedly reprobated. As to Mr. Mason's having recourse to a jury, that was utterly impracticable. Mr. Mason had applied in all quarters for trial and redress, to every new lord lieutenant, to every new chief secretary, and being himself a lawyer, it would have been strange if he had overlooked a trial by jury, if that had been open to him. Mr. Mason, he had no doubt, would have been happy to have appealed to a jury of his countrymen; but, as he stated in his Petition, he could not get redress by the ordinary forms of law; and he was persuaded, that, on inquiry, it would be found that he could not have recourse to a jury. As to the conduct of Dr. Trevor, he contended, that after the documents which had been produced by him on a former occasion, and the affidavits of the most honourable persons, it was hardly possible to doubt but Dr. Trevor had been guilty of gross oppression. An inquiry was had in consequence of the statement which he had made to the House, and he would now read some passages from the Report of the commissioners.—He accordingly read some extracts, from which it appeared, that 13 persons had been confined in one cell, 18 feet by 12, and the reason alledged for this was, that the prisoners would by this means be more under the eye of the keeper. It had been stated that Kilmainham gaol was a very clean place, but the report was, that though it had once been a very clean place, yet for five years past it had been filthy beyond description. He was sure that the chief Secretary for Ireland must now feel very happy that he had agreed to the examination into the state of the prisons, which he (Mr. S.) had formerly proposed. As Mr. Mason's case was at last to be investigated by the Irish government, he had only to express his hope that he would be fully heard in his own defence. Certain he was, that the language of Mr. Mason was not that of one conscious of guilt or afraid of trial.—The motion was then agreed to.

FINANCE COMMITTEE.] Mr. *Bankes* presented the Tenth Report of the Committee of Public Expenditure, which was laid on the table. In moving that the Report be printed, he begged leave to call the attention of the House to it, as it contained what he conceived to be matter of the greatest importance. It related to the speedy audit of accounts, which would tend more than any thing else to check an improvident waste of the public money. He had long wished to bring the subject of the tardy examination of military and regimental accounts before the House, but had never been able to do so till this session. These accounts were even in a worse condition than the civil accounts. Regulations were proposed to remedy the evil; and though much yet remained to be done, he trusted that a most useful foundation was laid. The execution of the details he left to his right hon. friend the Chancellor of the Exchequer, who he believed was well disposed to these improvements.—The Report was then ordered to be printed.

MISSIONARIES TO THE EAST.] Mr. *Prendergast*, after stating that no one could be more desirous than he was to extend the light of Christianity wherever it could be done with effect and advantage, observed that he felt himself called upon to bring the subject of Missions to the East before the House, in consequence of a paragraph which he had seen, purporting to be a part of the proceedings of a society in this city for propagating Christianity. The paragraph in question he thought highly exceptionable; for if the proceeding which it recommended were adopted, the effect would be to scatter disaffection among 40 or 50 millions of the most peaceable people in the world, and those strongly attached to the British. He was sure the member for Yorkshire himself, if he had sufficient local knowledge, would see the impolicy of any compulsory means, of whatever description, to spread Christianity in India. He hoped that some explanation of the paragraph in question would be given, and if that should be satisfactory, he would not press his motion for all the documents sent to India since 1807, relative to the missions in that quarter, otherwise he would.

Mr. *Grant* said that neither he, nor his hon. friend (Mr. Wilberforce) had ever heard of the measure alluded to till it was read at a meeting of the society for propagating the knowledge of Christianity in Africa chiefly, and also in the East. But he had felt no alarm at the passage in question. It referred merely to a recommendation of the Committee of that society in the East, that the Scriptures should be read in public to the people in their native language. The Hindoo and Mahometan Scriptures were read publicly already, and the reading of the Christian Scriptures in the same manner, would give no offence whatever. But even this could not be attempted without the sanction of the government; and the regulations of the government on this subject, if at all erring, erred rather on the side of extreme prudence and caution. He trusted he need make no apology for the Committee in this country. There was no intention to enforce this measure by any authority of government, or any compulsory means whatever. It was only proposed to leave the matter to make its own way.

Mr. *Prendergast* said he was satisfied with the explanation, and would not press his motion.

FLOGGING SOLDIERS.] Sir *F. Burdett* called the attention of the House to the case of a soldier who had been lately condemned to be flogged in the Isle of Wight, for being absent at night. It appeared from this, that the discretionary power given in the mutiny act, was not likely to be attended with much effect in preventing the infliction of that disgraceful punishment. Rather than submit to it, the man actually cut his throat; but it was sewed up, and it was said that the man only deserved additional punishment for the attempt. He belonged to the royals, and his name was John Evans. He concluded by giving notice, that he would next session again call the attention of the House to this important subject.

MR. WELLESLEY POLE.] Mr. *Parnell*, in requesting the Chancellor of the Exchequer to give to the House some explanation of the motives which had led to the arrangement by which the Chief Secretary for Ireland was to hold the office of Chancellor of the Irish Exchequer, did not intend to express an opinion against it. He should wait to form his opinion upon the explanation that might be given. He could not help, however, viewing it with some suspicion, because it seemed to be altogether inconsistent with that principle, which ought to govern the finances of Ireland; the principle of a superintending control of a board of treasury. It had been an object for many years in the Irish parliament to acquire such a control. The Bill which established it was termed the Responsibility Bill, a name implying that so long as the management of the finances was in the hands of the lord lieutenant, there was no adequate responsibility.—Now, this proceeding of making the lord lieutenant's secretary Chancellor of the Exchequer, looked very like a recurrence to the old system; and as if it was intended to put aside the board of treasury. If this was the case, it would be as well to say so, and then the public might be saved the expence of paying salaries to a number of useless lords of the treasury. As the chief secretary for Ireland was in that capacity subordinate to the lord lieutenant, and would be in the capacity of Chancellor of the Exchequer, subordinate to the right hon. gent. opposite, (Mr. Perceval) from his being first lord of the Irish treasury; the question to which he more immediately required an answer was this; whether the communications that would hereafter be made to the several boards of Commissioners in Ireland employed in the collection of the Revenue, would be made in the name of the lord lieutenant, or in the name of the treasury, and with the concurrence of the right hon. gent.? The answer to this question would decide whether or not the finances of Ireland were to be under the constitutional and proper control of a board of treasury. If it should turn out that every thing was to be done in the name of the lord lieutenant, then he should say that the arrangement was in every respect one that ought never to have been made; because, as far as he was acquainted with the deficiency of the Irish revenue, and could form an opinion as to the remedy of the great abuses in respect to it, he was sure, that so far from taking away the whole control of the treasury the measure which of all others was most wanting was the rendering of that control more effectual, and more predominant. For this reason, he would rather have wished the office of Chancellor of the Irish Exchequer, if to be joined with any other, to be consolidated with that of the Chancellor of the Exchequer of England, because such an arrangement would take the control of the finances of Ireland wholly out of the hands of the lord lieutenant, and contribute very essentially to deprive him of that influence, to the improper exercise of which was to be attributed almost all the abuses which so generally existed in Ireland in respect to the collection of the revenue.

The *Chancellor of the Exchequer*, in reply, said, he did not well know how to answer the question of the hon. member. He did not see why the duties of the respective offices might not be discharged in the same manner as they had hitherto been, though held by one person. Whatever business belonged to the office of Chief Secretary would be done just as if the Chief Secretary was not Chancellor of the Exchequer, and whatever belonged to the office of Chancellor of the Exchequer would be done as if the Chancellor of the Exchequer was not Chief Secretary. The arrangement was merely an experiment, which need not be persevered in if it was not found to succeed. For his own part, he could not understand what was meant by a control of a board of treasury over the executive government.

Mr. *Parnell* was glad to find the measure was merely an experiment, because he was sure, after what had fallen from the right hon. gent. that it was an impolitic one, inasmuch as the constitutional control of a board of treasury over the finances of Ireland was to be set aside. Such a control over the lord lieutenant was absolutely necessary; because it was the influence and patronage which the lord lieutenant derived from the revenue department that was the cause of all the abuses which prevailed in the collection of the Irish revenue.

HOUSE OF LORDS.

Thursday, June 27.

GOLD COIN AND BANK NOTE BILL.] Earl *Stanhope*, pursuant to notice, rose to introduce a Bill upon the subject which he had mentioned, and on which their lordships were summoned that day. The subject to which his Bill referred was of the most material importance to all classes and descriptions of people in the country. He was aware of the objection which would lie as to the late period of the session; but that was not an insuperable one. He had lost no time in coming forward. He saw a letter yesterday the contents of which surprised him not a little. In consequence of this, he repaired to some of the most eminent bankers, and also to some lawyers—two classes of men whom he thought the most likely to advise him well upon the subject. He had the satisfaction to find, that those among the bankers whom he had consulted, were of opinion, that something was necessary to be done in consequence; and farther, that what he proposed were the most proper measures to be adopted. He then came down to this House, in order to consult with some members upon the subject. He did not wish to mention any names in what he was about to refer to, as he did not wish to make a charge against any person. He had received information, the substance of which was, that a person of large landed property in the country, from some motives or other, had given notice to certain of his tenants to pay him their rents, now due, at Midsummer, in gold; but he further heard, that this person had either insinuated or expressed, that if he should take Bank notes in such payment, he should only take them at the rate of 16 shillings in the pound! But if it were for 19 shillings and sixpence, or any deterioration or depreciation, it could not be of much importance with respect to the principle. What might be the consequence of such a procedure? In the first place, it would be a gross injustice towards the tenants. Suppose one of these owed him 400*l.* sterling, would it be just to call on him to pay, 500*l.* in the shape of Bank notes? For such might be the effect. But he would go farther, and ask, if such landlord received notes in that way, what was he to do with them? Suppose he owed his coachmaker the sum of five hundred pounds, would he pay those notes at the rate of sixteen shillings in the pound, and so put 100*l.* in the coachmaker's pocket? Money which he had just taken out of the pocket of his tenant! Suppose the example of the person to whom he alluded, were to be followed to any extent during the recess of parliament, what a series of calamities must ensue! And this at a period when the legislature could not interfere. Evils which it would be beyond its power subsequently to remedy. Cases like those of the French assignats might occur; evils, he repeated, might ensue, which it would be beyond the power of parliament to relieve or rectify. The plan which he submitted on a former evening would have obviated all such evils as he contemplated, and by establishing a system of transfer, the principle of a legal tender might safely be adopted. But, when once paper was depreciated, it would be impracticable to restore it to its original value. Let the great cases of America and France be looked to for the illustration. The national paper of America was at one time at a loss of 97 per cent, verifying the simile of Tom Paine, who said, that when Congress first issued its paper, it was like a very large snow-ball, but which from the very warm hands it passed through, returned to them no bigger than a nut. But in the case of France, the hands the national paper went through were much warmer, as their paper, at one time, could be purchased at the rate of 7*s.* per cent.! We should look with care and caution to our own national paper. To speak figuratively, he regarded the Bank of England as one of the bottom planks of the ship of England; if we permitted it to be bored through, we risked the whole vessel. The Bill he was about to propose, would guard against such an evil. He hoped when ministers came to consider his measure, they would know better what to do when it should come to a second reading. He begged leave to observe, that when a person proposed any thing, it generally became a consideration, whether or not he had any interest in what he recommended. With respect to himself, there were several malicious lies afloat. It was reported he was in debt 100,000*l.* and that if what he adverted to were to take place, it would operate to his injury. Fortunately, he owed nothing to any body. It was also said of him, that he intended setting off to America, and meant to carry away eighty thousand pounds out of the family estates. But these were infamous falsehoods, and uttered by the last person in the country that should have uttered them. In the present instance, he assured their lordships, he was actuated by no party motives. The remedy he now proposed was as simple as the evil was alarming. To obviate it, they had nothing to do but what the Bill proposed, namely, To render it illegal for any man to pay a larger sum than 21*s.* for a guinea. To render it illegal for any person to receive a less sum in the case of a Bank note, than the value therein expressed as payable to bearer; these were the leading provisions, and the beneficial tendency, or rather the saving and preserving effects of such a measure, were incalculable. The farmers he regarded as an oppressed set of men. It was a most incumbent duty of the legislature to protect them. The evils which he contemplated would more especially affect that meritorious class. They would spread like a contagion. Their lordships knew the flame that spread in consequence of the proposition of the noble viscount then absent (lord Sidmouth) respecting the Dissenters. Any thing which would so essentially affect the interest of the farmers would in like manner be instantly communicated from one end of the country to the other. The noble earl then presented his Bill, which he moved should be read a first time; which was accordingly done. It was intituled, An Act for making more effectual provision for preventing the current Gold Coin of the realm from being paid or accepted for a greater value than the current value of such coin; for preventing any Note or Notes of the Governor and Company of the Bank of England from being received for any smaller sum than the sum therein specified; and for staying proceedings upon any distress by tender of such notes.

The Earl of *Liverpool* gave the noble mover ample credit for the purity and correctness of his motives in coming forward on the present occasion. He agreed with him as to the great importance of the subject, which was one which merited the serious attention of the legislature; and the arguments of the noble earl certainly carried great weight with them. At the very late period of the session, however, just on the eve of its close, and under all the circumstances of the case, he thought it would not be advisable to proceed any further with the measure at present. When the great extent and magnitude of the subject were considered, he thought their lordships must generally be of his opinion. He was ready at the same time to admit the probable efficacy of the remedies proposed, as far as they went. As to the immediate necessity for their adoption, were it principally rested on what was said, as to the intended act of a single individual, he could not subscribe to the existence of that necessity. Under the circumstances, he could not believe that the intention would be persevered in, or if it were, that the example would be followed by any other person. For the evils contemplated by the noble earl, the proposed remedy, as far as he considered it, would be thought to be the most efficacious. By it, one great and material objection, that which referred to making notes a legal tender, was in a great measure obviated. Generally speaking, the subject in question was not proper for legislative interference, except in cases of positive necessity, of which, as yet, he saw no proof. It would be preferable to rely upon the general principle of the mutual confidence and good sense of the people at large. Here he did not see a sufficient case made out to induce a departure from that principle. The period of the session, when most of the members had left town, and when such an important proposition could not be adequately discussed, was also a most serious objection. As to the particular case alluded to by the noble earl, he understood it was not only as was stated by him, but that the alternative of receiving the Bank paper only at a depreciated state, was made a positive condition! That the rents should be paid either in British or foreign coin, or in depreciated Bank paper! But he should repeat his firm belief, that such an intention, even if acted upon, would induce no other person so to act; the example would not be folowed. He was aware of the injustice of such a procedure under the circumstances, but he had no apprehension as to the prevalence of such an example, and on the grounds he had already stated, no necessity existing—no adequate case was made out, for such an important act of legislative interposition. He felt it his duty, should the noble earl move for the second reading of the Bill, to move, That it be read a second time on that day three months.

The Earl of *Lauderdale* said that, with respect to the case of the noble lord, who, it was said, insisted upon payment of his present rents in specie, he would call to the recollection of the House, that some months since he had positively stated that such a practice obtained in Ireland; and since that period numerous were the anonymous letters he had received, informing him that various instances of the kind occurred in that country. He was not decided as to the propriety of pressing such a Bill at this period of the session. It should be printed, and an opportunity of general consideration afforded as to the nature of the remedy proposed. A mode of proceeding which the noble secretary of state admitted to be the best, under the present circumstances. He must oppose the principle that it was preferable to rely on the discretion of individuals in a concern of such vital importance, than on a positive law of the land. It was not to the conduct of individuals, but to the protection of parliament that the people should look; and it was incumbent on the legislature to take the subject into its most serious consideration, at the earliest proper opportunity.

The Earl of *Limerick* observed, that what had been just stated by the noble lord did not apply to the South of Ireland, as there was not any instance in that part of the country of a landlord making such a demand.

The Earl of *Lauderdale* said, he had not alluded to the South but to the North of Ireland.

The Earl of *Clancarty* was anxious to know what part of the North of Ireland, as in the province of Ulster Bank notes were refused to be taken as early as the passing of the Bank restriction bill; and as they came gradually into circulation, they were taken in payment in many instances at a discount, but that practice was rapidly declining.

The Earl of *Lauderdale* was aware of the practice to which the noble lord alluded, but he also knew an instance, which he had formerly stated, where a landlord called upon his tenants to pay in gold, and the latter having represented to the steward the impossibility of procuring gold, they were each told that there were 100 guineas at a chandler's shop in the neighbourhood which might be purchased; and it was a fact, that with those

100 guineas, passing from one to another, a rent of 7,000*l.* was actually paid.

The Earl of *Clancarty* was very desirous of knowing who the party was to whom this circumstance referred. His lordship then observed upon the black malignity which must have actuated the individual who had been referred to in the early part of the debate, as having demanded payment of his rents in gold, or that he would only take Bank notes at a depreciated rate.

The Earl of *Lauderdale* objected strongly to the term black malignity, contending that the noble lord alluded to might have been actuated by the purest patriotism, in determining to force upon the government the consideration of the situation of the country, to which his Majesty's ministers seemed determined to shut their eyes.

Earl *Grosvenor* was of opinion that the subject merited the serious attention of the House. He thought, however, in the proceedings on the present occasion, they ought to be guided by circumstances, and not come to any hasty decision as to the Bill.

The *Lord Chancellor* was not prepared to give any opinion as to the expediency of adopting the measure proposed by the noble earl, but he felt called upon to say, that in proposing that measure, the noble earl could be actuated only by a sense of the public good, and that therefore, under all the circumstances of the times, he thought the noble earl entitled to the thanks of that House, and of every well-wisher to the prosperity of the country for having thus brought the subject forward for their lordships' consideration. It was far from being a question to which he would very readily assent, to make a bank note a legal tender. The ordinary objections against it had much weight in his mind, such as that they were liable to be fictitious, &c. &c.; but in other respects he did not conceive that such a case as that adduced by the noble earl could of itself be sufficient to authorise such an interference of the legislature. The case, however, in itself, called for very serious consideration, though he had, in the good sense and patriotic spirit of the country, a sufficient guarantee that it would not be followed to any extent. Besides, as the law already existed, he thought that the property of the tenantry was sufficiently secured, and it might be unwise to enact new laws on that head until circumstances absolutely called for it. He was not fond of examining into the motives of any man's conduct, but the conduct of the noble individual who had been alluded to, he could not exactly ascribe with a noble lord to pure patriotism. If he ordered a coach from his coach-maker, at 100*l.* and afterwards paid him that 100*l.* in Bank-notes, surely he could not consider it as fair and liberal to require that the same coach-maker, when he had 100*l.* to pay him for rent, should bring that sum in gold, and not in Bank-notes? For surely it could not be considered as very fair in any man, that he should pay his own debts in Bank-notes, but that when others had debts to pay him, they should be paid in a different coin from Bank notes, or that he should be indemnified for the difference that might appear to exist between paper and gold at the moment of payment. At best, this was a sort of pure patriotism which he little understood, and was little disposed to imitate.

The Earl of *Lauderdale* complained that he had been grossly misrepresented by the noble and learned lord. When he said that such a determination might have been resorted to by any individual from motives of pure patriotism, his meaning was, that such an individual might run the risk of incurring odium and unpopularity for having adopted such a resolution, though he might have taken it up merely with a view to make ministers feel the magnitude of the evils, which by a false and fatal measure, they had inflicted on the country; which evils, there was every reason to dread, would every day become more aggravated. In this view of the question, whoever acted upon such motives might fairly be said to have been influenced by pure patriotism in taking such a resolution, and it was in that view only of the case, in which he conceived that such conduct might have been suggested by such motives. As to the case of the coachmaker, it was pretty well understood that tradesmen now acted with reference to the present circumstances of Bank paper, and that when they gave in a bill they would keep that circumstance in their eye; and perhaps in the case of the coach maker, the bill would have been 120*l.* instead of 100*l.* adding 20*l.* per cent to his bill, in consequence of the present supposed depreciation of Bank paper. Why then was not a landlord to look on his side for an indemnity against any such supposed loss?

The *Lord Chancellor*, in explanation, supposed, that in 1801 he had contracted with his coachmaker to furnish him with a coach in 1811, for 100*l.* perhaps in 1801, gold was to be had for 3*l.* 16*s.* and in 1811 the price was raised to 4*l.* 16*s.* The coachmaker would, no doubt, have adverted to this circumstance, and justly, had he (the Lord Chancellor) requested gold in payment for rent due, the very day after the coachmaker had been paid his bill in Bank-notes. This he observed, to shew the unfairness and injustice of requiring a debt due to a landlord to be paid in gold coin, while the landlord would pay his own debts, perhaps to the very same tradesman, in Bank-notes only.

Earl *Stanhope*, in reply, thanked both sides of the House for the fair interpretation which they had put upon his motion, and upon the motives which had induced him to bring it forward. He could assure them that they had done him no more than justice. His only wish was, to give an opportunity to his Majesty's government of providing against a feeling, the evil consequences of which he most seriously dreaded. The present alarm respecting the depreciation of Bank paper arose, like most alarms, from false fears and ungrounded prejudices. There might soon, perhaps, be no gold in the country; and he would say, so much the better. All the mischief of the present moment arose from falsely considering gold as the proper or only circulating medium. On this subject, he much admired an observation of sir George Saville's, an observation most just and philosophical. In a conversation on the subject of a circulating medium, he recollected that good and wise man to have observed, that the circulating medium was the measure of the relative value of things. For example, that ten pound notes would purchase to that amount a certain number of guineas, a certain number of loaves, or of Opera tickets, or the travelling a certain number of miles; and, that thus the price of every necessary, or enjoyment, might be regulated by the value of a Bank note. If the same rule did not exist now, it was from prejudice and idle fears; and he would again repeat that it was to be wished there were no gold in the country. As to the measure he had the honour of proposing, it was simple and intelligible, and applicable to the circumstances of the moment, and if it were not adopted by ministers, on them would lie the responsibility for the consequences. He would content himself with moving, That the Bill be now received, read, and that it be printed.

Some conversation here arose between the noble mover and lord Liverpool, respecting the day to be appointed for the second reading of the Bill. Lord Liverpool wished it to be read a second time to-morrow; as he then intended moving, as an Amendment, That the Bill be read a second time that day two months. Lords Stanhope and Lauderdale objected to so early a day, and proposed Monday; for which day the second reading was ultimately fixed.

HOUSE OF LORDS.

Friday, June 28.

Berkeley Peerage.] The Committee of Privileges this day was most numerously attended, and about a quarter past two o'clock,

The *Lord Chancellor*, at considerable length, addressed their lordships upon the merits of the present claim. He professed to feel that sentiment which had generally actuated the consideration of the Committee. From the bottom of his soul he could say, that he had from the first entertained a wish that lady Berkeley might be enabled to shew the right of the present claimant. But he requested that their lordships would keep the subject of this title abstractedly considered, and putting from their minds other feelings and sentiments which had mixed themselves with the inquiry, and which had been pressed upon their attention, that they would look to the title itself and the evidence that had been adduced in support of that title. He wished them to consider most attentively the Act of Marriage, 26 Geo. 2, s. 33, by which it was required that the marriage should take place after licence obtained, or bans published, and that the marriage should, after the usual solemnization, be duly registered. He had no doubt their lordships would agree with him, that, if licences were not obtained, nor bans published, according to the direction of that act of Parliament, the marriage afterwards would be null and void. God forbid he should, in saying this, be understood to declare, that for want of a precise compliance with that statute, the marriage would be null! If, from the conduct of the parties before and afterwards—if, from their mode of living and demeanor, as husband and wife, they considered themselves to be married—if, from the general repute of the world, or the neighbourhood where they dwelt, they were believed to be so—and if their children, born under such circumstances, were accounted legitimate, it was his opinion that the presumption of law would supply the irregularities of a marriage ceremony. For instance, under such circumstances he was not prepared to say, if the clergyman had not published the bans in an audible voice, and the entry of the marriage-register had afterwards been made in an irregular way, that marriage so solemnised would be declared void. The presumption of law would be in its favour. But, if these irregularities took place under circumstances totally opposite, the presumption of law would be against the marriage.—The noble and learned lord next proceeded to comment upon the nature of the Evidence, and observed, that that on the claimant's side could not have been satisfactory of itself, independent of the evidence adduced so strongly against the claim by so many witnesses, and from such indisputable testimony. The case represented by lady Berkeley herself and her brother, was surrounded by the greatest improbabilities. The object of secrecy was ill-chosen by selecting Berkeley as the parish for publishing the bans and solemnizing the marriage. The fact of their publication was not satisfactorily made out by the claimant's witnesses, and it was in a great degree contradicted by the evidence of the parish clerk at Berkeley. The register of the marriage also, under every consideration, was attended with glaring improbabilities. The conduct of lord Berkeley in leaving his wife two days after the ceremony, and not seeing her again till the lapse of considerable time, was also very improbable. The excuse alleged for keeping this marriage secret, on account of the improper conduct of lady Berkeley's sister Susannah, was open to great suspicion.—His lordship next animadverted upon the directions given by the earl of Berkeley as to the register of his eldest born son after the second marriage. The clerk of the parish where this register was made had not only to produce the register itself, but had retained to this day the letter giving these directions, written in lord Berkeley's own hand. The expressions of lady Berkeley, when circumstances should have most induced her to speak sincerely, shewed she did not consider herself legally married, such as those which she uttered to one of her children: "You little dog, though I'm not your father's wife, I'll let you know I am your mother." The marquis of Buckingham's evidence was most material. The learned serjeant who had been counsel for the claimant, and who, under all the difficulties he had to encounter, had discharged his duty well, had been pleased to represent that lord Berkeley's conduct to the marquis was a mere joke. But when lord Berkeley chooses to commission a friend to inform his brother that he considers his own children illegitimate, and proposes to unite one of them in marriage with his brother's eldest son, that proceeding would, in his opinion, not permit the interpretation of a mere joke.—The noble and learned lord stated the purport of the evidence of the most material witnesses; and independent of the presumption of law, and the want of probability in the testimony adduced to support the title of the claimant, there was, in his opinion, a much stronger body of evidence to shew the non-existence of any marriage in 1785. The claimant had undertaken to prove, that, in which their lordships would be convinced he had completely failed. His lordship concluded by moving, by way of Resolution, That the Claimant had not made out his claim to the title, dignities, and honours of the earl of Berkeley, viscount Dursley, &c.

The question on this motion having been put by lord Walsingham, the chairman, it was carried in the affirmative *nem. dis.* and the Resolution ordered to be reported to the House.—It was suggested by the earl of Liverpool, that as it would be desirable to have a full attendance of their lordships, when the Resolution was reported, and as that object would be attained, if the Lords then present would remain till the House met, it would be advisable to take the Resolution into consideration in the House this day.—This, however, was objected to by the earl of Radnor and lord Arden, as being contrary to the usage of the House, and the earl of Liverpool gave up the point, suggesting Tuesday for the consideration of the Report.—The Chairman then left the chair, and the House went to prayers. After prayers lord Walsingham reported the Resolution of privileges, which was ordered to be taken into consideration on Tuesday, and the Lords to be summoned.

HOUSE OF LORDS.

Monday, July 1.

INSOLVENT DEBTORS BILL.] The Amendments made by the Commons on this Bill being taken into consideration,

Lord *Redesdale* strongly objected to the Amendment which went to extend the operation of the act to the Isle of Man. That country was particularly circumstanced, and subject to its own laws in those respects, which were regulated by its legislature, the House of Keys. Besides, he understood the principle of the Cessio Bonorum prevailed in the Isle of Man, nearly under the same regulations as in Scotland; and he reminded their lordships that the Bill he had the honour to name, and to introduce, including such a regulation, was not ultimately countenanced by their lordships. The Amendment, under the circumstances, struck him as so objectionable, that he must beg leave to oppose it.

Lord *Holland* argued in favour of the Amendment. He saw no reason why the inhabitants of the Isle of Man should be excluded from the legislative benevolence of the empire: and why the unfortunate persons confined for debt in that island should not participate in the benefits of the act. As to the objection that it was not usual for parliament to legislate for that island, he begged leave to recall to the noble and learned lord's recollection, that there were numerous acts, in which that country was included; and he deprecated any alterations, which now, just at the close of the session, might prove fatal to the Bill.

Lord *Redesdale* explained, that the acts alluded to by the noble baron did not relate to the internal affairs of the Isle of Man; they only went to legislate externally. He also observed, that the present Bill was understood to be only a temporary remedy, and to be, in every respect, like the act of the last year.

A message was afterwards sent to the Commons desiring a Conference with that House, on the subject of the said Amendment, in the Painted Chamber. Accordingly a committee was appointed to manage the conference on the part of the House. Their lordships repaired to the Painted Chamber, and after an interval of a few minutes, they returned; when earl Graham reported that the Conference had been duly held with the managers from the Commons, and that the Commons did not insist upon their Amendments made to the Insolvent Debtors Bill.

GOLD COIN BILL.] Earl *Stanhope* expressed his wish to postpone his motion for the second reading of his Gold Coin Bill, which stood for this day, till to-morrow, and his reason for doing so, he would freely state to their lordships. He had stated in the outset, that a certain great landholder intended to require the rents recently due to him to be paid in gold. He had mentioned no names, but it since turned out that the landholder he alluded to was a member of that House, and from whom he had received a letter, expressing his desire, that the motion might be postponed till to-morrow; he therefore thought it only justice to do so. His lordship then moved to renew the order for summoning their lordships on the above motion for to-morrow, which was ordered accordingly.

HOUSE OF COMMONS.

Monday, July 1.

MR. PALMER'S CLAIMS.] Colonel *Palmer* declared it to be his intention, in the next session, once more to bring Mr. Palmer's Claims under the consideration of parliament in the shape of a Bill, when he trusted that this subject would receive its final discussion and decision.

PETITION OF THE KEEPER OF LINCOLN GAOL RESPECTING MR. FINNERTY.] Mr. *Chaplin*, after some prefatory observations, in which he said that he had received a letter from the under sheriff of Lincoln, declaring that Mr. Finnerty had offered money for other apartments; as also a statement from a magistrate, in contradiction of what had been advanced by Mr. Finnerty, presented a Petition from Mr. Merryweather, the gaoler of Lincoln Castle, setting forth

"That a Petition having been presented to this House by Peter Finnerty, a prisoner in the said castle of Lincoln, containing gross and scandalous misrepresentations of the misdemeanor ward of the said prison, in which he is confined, and of the cruelty and oppression he labours under from the Petitioner and the visiting magistrates of the prison aforesaid, most humbly requests the House will make such enquiry into the conduct of the Petitioner towards the said Peter Finnerty as to their wisdom may seem meet; the Petitioner not having acted cruelly and oppressively towards the said Peter Finnerty, who was enjoying the unrestrained liberty of air and exercise in a part of the court yard and private garden of the Petitioner, of above three acres in extent, until the Petitioner discovered that the indulgence so granted him was abused by an attempt to seduce his upper turnkey from his duty, by offering him money to permit him to be criminally connected with a female convict in the said prison, and also, while taking exercise in the part before-mentioned, offering money to three female prisoners employed in cleaning the County-hall, for them to let him come in at the window for the above improper purpose, and which more fully appears by the depositions of the parties."

Mr. *Whitbread* was glad that this Petition of the gaoler had come forward, as it contained a specification of the charge against Mr. Finnerty. But, supposing it true, it was not therefore proper that Mr. Finnerty should be kept five or six weeks from air and exercise, at the discretion of the gaoler. He had a letter from Mr. Finnerty, however, purporting that the turnkey had made the offer to him for a bribe, and on his refusal had told this story in order to be before hand with him. Then there was no answer given as to the stench in Mr. Finnerty's cell. The hon. gent. had said, there was no stench when he was there. That might well be, for it often happened that the prevalence of stench in any particular place depended on the direction of the wind. He hoped the prayer of the petition would be complied with; but it was clear a gaoler ought not to have the power of increasing or mitigating a sentence of a court of justice at his discretion.

Mr. *Chaplin* defended the conduct of the gaoler, who had given Mr. Finnerty the liberty of walking in his garden, and shewed a disposition to grant him every indulgence consistent with his situation, till his own improper conduct rendered a closer confinement necessary. As a proof that no political motive influenced the gaoler, he had only to advert to the satisfaction expressed by Mr. Drakard at the manner in which he had been treated.

Mr. *Brougham* said that no answer had been given to the charge of solitary confinement. He knew that Mr. Drakard had been well treated; but this only placed in a stronger light the injustice done to Mr. Finnerty. The sentences were the same, and why should the punishment be different? If the gaoler had thirteen rooms in his house, Mr. Finnerty ought not to be confined in a felon's cell.

Mr. *Chaplin* said, it was not a felon's cell; but designed for those confined for misdemeanors.

Mr. Secretary *Ryder* utterly denied the charge of solitary confinement, which was not even alledged in Mr. Finnerty's petition. As to the gaoler having thirteen rooms in his house, they took that from Mr. Finnerty's petition. But supposing it to be so, the gaoler's house was his freehold, and he was not bound to give up any part of it to the prisoners. It ought to be recollected that he gave a large security to the sheriff for the safe custody of his prisoners. He had been making all the inquiry he could, and the result was a conviction that for some parts of the complaint of Mr. Finnerty there was not the slightest ground, and that the rest had been excessively exaggerated. The apartment assigned to him was 22 feet by 11, and 16 feet high, and raised above a yard of some extent, of which Mr. Finnerty had almost the exclusive use. But if there was a stench, or any other real grievance in the case, steps had been taken to remove them.

Mr. *Brougham* said, that facts had been stated which amounted to solitary confinement, though these words were not used.

The Petition was then laid on the table.

FLOGGING IN THE ARMY.] Mr. *Manners Sutton*, adverting to a case mentioned by an hon. baronet (Sir Francis Burdett) the other evening, of a man of the name of Evans, who had cut his throat in the Isle of Wight to avoid being flogged, observed that the hon. baronet laboured under considerable misapprehension on the subject. On inquiry he learnt from the general of the district, that the name of the man alluded to by the hon. baronet was not Evans, but Avery. He had come to the Isle of Wight from Tilbury, as a recruit of a suspicious character. As soon as he had received the final payment of his bounty, this man with three others deserted; but being subsequently taken in plain clothes by a press-gang at Ryde, he was brought back to the depot, and tried by a court martial. Before, however, the sentence of the court martial had been promulgated, this man attempted to cut his throat. Such was the statement of the real fact, as it occurred. He was aware that it did not at all affect the general question of the expediency, or inexpediency, of corporeal punishment; but it was certainly desirable that these individual cases should be described with accuracy, and he could not conceive a more aggravated instance of military delinquency than the one to which he had just called the attention of the House.

Mr. *Whitbread* admitted, that the case of this individual was not one of peculiar severity, but at the same time contended that it by no means operated against the argument for the abolition of flogging. Since the last discussion on this subject, he had received a letter, which to him appeared practically conclusive upon it. It was from a person having the chief command of the recruiting parties in a district of the country in which the temptations to recruits to act in a manner meriting punishment were peculiarly strong. This officer, however, declared in his letter, in the most emphatic language, that he found corporeal punishment to be completely unnecessary, and that the triangles, if there were any in his district, were mouldering away in a garret.

Mr. *Brougham* stated, that the motion of which his hon. friend, who was not then present, had given notice for the next session of parliament, was not founded on any particular instance of severity, but would proceed on the general question of the expediency of corporeal punishments in the army.

Sir *C. Burrell* expressed his firm conviction that there were cases in which severe corporeal punishment in a regiment was indispensable, unless indeed death in such cases was to be uniformly resorted to. As to solitary imprisonment, that he was persuaded was in few instances practicable. The hon. baronet was proceeding to explain his views of the subject, when

The *Speaker* interposed, and suggested the propriety of abstaining from any general discussion, there being no question before the House.

INCITEMENT TO ASSASSINATION.] Mr. *Whitbread* observed, that as the House was unoccupied at that moment, he hoped he might be indulged with saying a few words, which it was otherwise his intention to have offered to their notice on the question of adjournment. His object in rising was to give the right hon. gent. opposite, or any other of his Majesty's ministers, an opportunity of making an avowal, similar to that which he understood had been made in another place by marquis Wellesley, on a subject intimately involving the character of the British government, and the welfare and safety of every individual of the royal family. The House would be aware that he alluded to the horrible doctrines which had recently been promulgated by a part of the press respecting Assassination. That had been preached up as a duty under certain circumstances, which no circumstances could justify. Were the writers to whom he alluded aware that they led to the perpetration of crime on the innocent and meritorious, by the arguments in which they recommended the perpetration of crime, on one—certainly not innocent—certainly not meritorious—but of whom they were not to set themselves up as the judges and the punishers. When these persons held out the examples of antiquity for the perpetration of such crimes, or such deeds, as he presumed they would call them—when they described the individuals of former ages, by whom those examples had been afforded, as the benefactors of mankind, and as having ever since been so estimated, he supposed it would be in vain for him to suggest to them the great change which had taken place in moral duty by the Christian system of religion. It would be in vain, he presumed, for him to point out to their consideration, that by the mild doctrines of that religion an eye was no longer demanded for an eye, or a tooth for a tooth. To the persons to whom he alluded, such an appeal would, in all probability, be fruitless. But he would call on the advocates of assassination to show a single instance in which the crime had been successful, or had been followed by the advantages anticipated by the short sighted perpetrators of it. After the assassination of Cæsar had the liberties of Rome been better secured than before? Had the knife of the assassin been always pointed at the proper object? Had it not frequently been directed against the breast of the innocent and meritorious? Against the breast of Henry 4, and Louis 15, of France; of the great Prince of Orange: and twice in our own days, of the existing monarch of this country? Had not the king of Sweden been assassinated? Had not the emperors Peter and Paul of Russia been assassinated? And was it, then, prudent to preach up the doctrine that any individual was competent to judge who ought to be assassinated and who ought not? Before those persons told the Spaniard that he had a right to assassinate the emperor of France because he invaded Spain, let them recollect how recently Great Britain had attacked an unoffending nation, with whom she was not at war. If their doctrine were wholesome, let them reflect on the right which a Zealander (inflamed by that which he should ever term a most atrocious violence) would possess to arm himself on their principles with the poniard of vengeance. Let them reflect on the progress of our English empire in the East. Let them remember the march of British armies over the guiltless countries of Asia, for the purpose of deposing their unoffending sovereigns. Surely those sovereigns had in their courts individuals personally and warmly attached to them; and were the doctrines to which he had alluded established, the hand of a subject of the nabob of Oude or Tippoo Sultaun might, with justice, be lifted in secret against those to whom his unfortunate sovereign owed his misfortunes! There was something, however, beyond this consideration of the subject. The papers in which these doctrines had been asserted were published in this country in the French language, for the purpose of being circulated on the continent, and supposed to be so circulated under the auspices of the British government, for that which they imagined to be a wise political object. These papers accordingly went forth to the world, as sanctioned by this government. With that feeling they would be read by the person whom they declared it would be not only justifiable, but meritorious, to murder. Let it be recollected, that this person had pre-conceived the opinion that the British government were the instigators of the plot for his destruction, by means of the infernal machine. Let it be recollected, that he had told the people of France that the British government had landed assassins on the French coast for the purpose of secretly destroying him. What a confirmation would such statements on his part receive from the circulation of such doctrines as those recently promulgated? What must be the necessary consequence, but that if this person conceived that the hand of the British government was thus raised against his person, that he would avail himself of every opportunity of retaliation? The very individuals who published these papers declared, that a person of the name of Haukwitzer had already been sent from France, for the express purpose of attempting the life of the sovereign of Grea Britain. At the very moment that they became the advocates of assassination they expressed their belief that Buonaparté had in his pay a band, ripe for any deed of blood. Were they aware of the vital danger to which they thus exposed the persons of their sovereign and his family? For himself, having seen the doctrines to which he had alluded maintained in those publications which were generally considered as having the support of administration, and having on the other hand seen the manly disavowal of those doctrines by a noble marquis in another place, he had felt it his duty not to allow the House of Commons to separate without giving the right hon. gent. opposite an opportunity of making a similar declaration; and with respect to the individual who was the immediate object of these abominable doctrines, was it to be believed that Providence, who, for inscrutable purposes, had raised up that extraordinary man, had led him in safety through dangers of every description, who had preserved him in the field of battle, and who had shielded him from the knife of the assassin—was it to be believed that Providence would allow its object to be frustrated by the puny efforts of such short sighted beings, whose projects would be as fruitless as they were criminal? He trusted that he should hear a distinct disavowal of doctrines, in which was involved the safety of every crowned head in Europe.

The *Chancellor of the Exchequer* declared, that if the hon. gent. thought it necessary for any one of his Majesty's ministers, by a disavowal of the publications which had been described, to clear himself from the implication of the criminality attached to them, he was very glad that an opportunity had been afforded him for making such a disavowal; but he did trust that the hon. gent. had shewn more than necessary anxiety on the subject. He had no hesitation in stating that he could not conceive the existence of any circumstances which would justify the promulgation of sentiments, such as had been described. He perfectly agreed with the hon. gent., that putting out of the question the divine prohibition of murder, those who were disposed to have recourse to such means of hostility, would find them injurious rather than beneficial to their cause. Were such a system established, it would involve the world in calamities greater than any by which it had yet been afflicted. He also perfectly agreed with the hon. gent., that when Providence distinctly assumed the direction of great events, for ultimate purposes unknown and incomprehensible, no short-sighted human effort could retard their progress; but this sentiment ought to be well guarded, and ought not to be permitted in its operation to prevent our resistance to immediate evil. Even if it were declared by Omniscience, that the plans of Buonaparté would be and must be finally executed, yet if they could not be carried into execution without a violation of rights which ought to be defended, it was our duty to make an effort to defend them, however hopeless. Nothing could be more dangerous than to misapply the truth, that all events were under the direction of Providence. It was in the defence of liberty against oppression, that human virtue was most eminently displayed; and those who perished in such a sacred cause, perished gloriously, and not without reward. Irresistible as the course of Buonaparté had hitherto appeared to be, if we indeed thought that Providence superintended human events, we must be convinced that in that course he would yet be checked. This country might be chosen as the instrument of arresting his mighty progress—of deducing good out of the evil which had hitherto existed. What was there, he would ask, in the march of Buonaparté, which ought to induce us to suppose that his ultimate success was irresistibly decreed by Providence? Let this country look to its own exertions, and say whether the success of those exertions had not been as extraordinary as the success of the exertions of the enemy. If it were declared that a superintending Providence had given to France the dominion of the land, it must also be declared that the same superintending Providence had given to Great Britain the dominion of the sea. The future presented cheerful as well as grave subjects for contemplation. Whatever might be the result, however, it became us, under every variety of circumstances, to choose the noble path of duty and honour. With regard to the particular subject mentioned by the hon. gent., he had no hesitation in repeating, that he disavowed most heartily, and from the bottom of his soul, any doctrines which led to practices so unchristian-like and so foreign to a wise and manly policy.

Mr. *Whitbread* thanked the right hon. gentleman for his frank and honourable disavowal. He would not quarrel with him because he had added to that disavowal incitements to national exertion. He trusted that no expression of his would be construed into the declaration that he was a fatalist, or that he thought it impossible to resist the power of France. He must be a fool, indeed, to entertain such an opinion at a moment when the power of France was resisted more effectually than at any former period of the present awful contest. Whatever he might think of the ultimate fate of the nations of Europe—whatever opinion he might entertain of the intentions of providence with respect to that extraordinary being who had hitherto possessed such a powerful influence over that fate, he was not the less convinced of the duty of resistance to his designs—of the duty of defending our liberties, even should extermination be the consequence. But it was not for an individual to step forward, and with a criminal hand attempt to accelerate the result. Such attempts were ever destructive of their object. He well remembered the rejoicings that were occasioned in this country by the news of the assassination of the emperor Paul. It was then said that Russia would turn against France. She did so turn. A most absurd coalition took place between Great Britain and Russia—and what followed? that Russia was completely subjugated, and that the successor of the assassinated Paul became one of the firmest friends of France.

HOUSE OF LORDS.

Tuesday, July 2.

Berkeley Peerage.] Pursuant to special adjournment, their lordships proceeded to take the Report of the Committee of Privileges, upon this long pending case, into consideration, which was, "That the claimant, William Fitzharding Berkeley, had not made good his claim to the titles and honours of earl of Berkeley, viscount Dursley, &c." and upon the question being put, their lordships confirmed the Report of the Committee, *nem. diss.*

The *Lord Chancellor* then made some observations upon the nature of the proceedings and evidence adduced before the Committee of Privileges, and concluded by moving, That the Report of their lordships' Committee, together with a copy of the Evidence given in the said case, be laid before his royal highness the Prince Regent, together with an Address, requesting his royal highness would be pleased to adopt such proceedings thereupon as he might deem most proper and expedient.

Earl *Grey* had no objection to the proceeding recommended by the noble and learned lord generally; but was averse to the introduction of any language in the motion which would appear like an attempt to dictate or point out any particular line of conduct to his royal highness, but to leave such result solely to his discretion, as to what proceeding he might think proper to adopt, if any. He therefore suggested the propriety of omitting the word "request" from the motion, which would then go in effect to simply laying the Report and the Evidence before his royal highness.

The Earl of *Liverpool* agreed in the propriety of this suggestion, and expressed his opinion, that his noble friend on the woolsack, in wording his motion, had no idea whatever of pointing out any particular line to his royal highness, but wished merely that the matter should be left entirely to the royal discretion.

The *Lord Chancellor* corroborated what fell from his noble friend, as to his intention with respect to the object and effect of the motion he proposed.

The motion was then amended agreeably to the suggestion of earl Grey, and unanimously agreed to.

Delays in Appeal Causes.] The Earl of *Suffolk* rose to make two motions on this subject; previous to which he adverted to what he had said before on the subject, and defended most of the observations he then made respecting Greenwich Hospital. He would never submit to be charged with mockery and mummery, for shewing the enormity of a Proctor's Bill. He had been told that it was not the clerk's business to assist him in unrolling that long bill; but he considered the clerk as the servant of their lordships generally, and not solely of the noble and learned lord on the woolsack.—The noble earl went through a variety of particulars respecting the general subject, and appealed to a memorial sent eleven years ago, by sir Alexander Cochrane, complaining of the practice of employing one sole proctor in causes and frequently in appeals. The Appeals in that House, in 1810, were two hundred and nine, and only four judgments were given. This was contrary to those true principles of the constitution he had learned, and hoped to hand down. It was contrary to the provisions of Magna Charta. He then moved for sundry accounts of Prize Money paid and due; and another motion for the number of Appeals at the beginning of the present session, with the number of judgments thereon, and the number of those withdrawn, distinguishing such as come from England, Scotland, or Ireland. He expressed his intention of following up those motions, if agreed to, in the course of the next session.

The motions were then put, and carried *nem. dis.*

Gold Coin and Bank Note Bill.] Earl *Stanhope* moved the order of the day for the second reading of this Bill. The Bill being read by the clerk, his lordship said, he was extremely happy to see around him on this occasion several noble lords who were not present before when he brought the matter forward, as it afforded him an opportunity of explaining the object he had in view by this Bill. But before he told them what the Bill was, he would tell them what it was not. It was not, as it had by some been erroneously supposed to be, a Bill to make Bank-notes a legal tender; and indeed it would be highly improper that such a Bill should pass; because the person who might refuse a Bank-note on the ground of supposing it to be forged, might be by this means brought into an unpleasant dilemma. He would now state what the Bill was, and his reasons for proposing it; and, in the first place, he would examine if his foundation was good, and then explain the nature of the superstructure it was his design to raise upon it. His Bill went simply to this, that it should not be legal to give more than 21s. for a guinea, or less for a Bank-note than the amount for which it purported to be payable. The idea of offering this Bill originated to him on the bringing up of the Bank Token Bill from the other House; the nature of which Bill was to facilitate the introduction of a new circulating medium. On that occasion he had pointed out to their lordships the necessity of establishing some legal tender throughout the country, other than that which it was now impossible to procure. To illustrate the necessity for this, he would suppose that a person agreed to purchase an estate for one hundred thousand pounds, that the title was good, and that no object stood in the way of the completion of the bargain. But suppose, when the price stipulated came to be paid, that the seller should say, "I expect to be paid in guineas, and will not transfer the estate unless I am so paid;" would their lordships think the purchaser fairly or justly dealt with? Would they not rather consider it to be wrong to require him to perform a physical impossibility, by procuring so many guineas? Yet the law, as it stood, did not afford him any remedy against this unreasonable demand. This was precisely the state of the case, and he would now state the principles on which he maintained that the plan he proposed ought to be adopted. It had been his peculiar good fortune in life to be acquainted with many great and eminent men, and among them he could not name one whose estimable qualities of the heart and of the head did him more honour than sir George Saville, with whom he had the supreme pleasure of being intimate. His idea on this subject he would adopt as his own: it was this clear, and perspicuous, and philosophical definition of the circulating medium, "that it was and could be no other than a measure or scale of different things." Thus ten pound was the measure of a certain number of loaves of bread, of a certain number of tickets to the Opera, or of a certain number of miles travelling in a hackney coach. The ten pound was the scale by which the relative value of these three articles was measured. To this definition he would add, in pursuance of the same idea, that this scale was, or ought to be, fixed and unalterable. As illustrations were good to explain abstract propositions, he would endeavour to apply one to this point. Suppose they wished to measure any thing of length, they would take a yard, consisting of 3 feet, or of 36 inches, and by this means might measure a piece of cloth 36 yards long; but it would not do to measure 36 yards by this piece of cloth, for, being elastic, it might at one time reach to 40 yards. A third fundamental principle was, the circulating medium ought not to be attainable without a certain labour or value given. Gold certainly possessed this quality, but so also did other things; such, for instance, as Hamburgh Mark Banco payments. And book entries in this respect enjoyed a very great superiority over gold, if they were put under proper regulations. Suppose any state should open such books in which no person could obtain an entry of credit without performing an adequate public service, was it not evident if he was enabled at some time to transfer that amount, or any part of it, to any other part of the country from that in which this entry was made, that it would be better than if it was paid to him in money? He might lose the money, or might be interrupted on the road, which accidents could not happen to the book entry. Book entries also possessed other advantages over money in rapidity, and in not being liable to depreciation from wear and tear; in the respect of annual interest, and in the immense qualification of being invariable. It was on these principles then, that he founded his proposition. In coming to notice his plan, he had to observe, that he laboured under considerable difficulty. These subjects belonged to government, and were proper for ministers to take up. No other person who proposed any violent change, such as he did, being no less than to change the circulating medium, could expect any very great support. A wise man would therefore try to accommodate his views to existing circumstances, rather than propose a radical alteration of the system. Not to be ludicrous on so grave a subject, he would try to illustrate this part also by a simile. He had found the principle established by law, that payments in Bank notes could not be enforced as legal. A Bank note, like the purchase of a check for admission to a public place, might be changed for something else, for another note; but still that was not the admission, and after various changes, a man might be as far from his purpose as at first. He had endeavoured to fit his plan to this deformed monster. Like the tailor, who made a coat for a person with a hunch back, on being reproached with its ill fashion, he might retort, "it was not cut out because it pleased my own fancy, or for any straight well-shaped man; but how could I help cutting it so, as it was to fit a humpy?"—This must be his apology for the shape of his plan, in which he had endeavoured to apply common sense to existing circumstances. He now came to the plan itself, which he had laid down, by desire, to a very distinguished noble and learned lord. [Here his lordship went into an explanation of his letter to lord Eldon, a copy of which will be seen at p. 740.] His grand object was to establish a mode of making payments which would create a possibility of making legal tenders. Always keeping in view that the Bank was, and had proved itself to be, solvent, and limited by government to some extent, he proposed, 1st, That, as in Scotland, it should establish many branches throughout the country: 2dly, That in all these branches it should cause books for entries to be opened: 3dly, That persons possessing Bank notes should be entitled to have a credit to their amount in these books; 4thly, That for such credit they should be entitled to transfer all or part to any other person's account; and, 5thly, as these entries could not be forged, that these transfers should be made a legal tender. Having opened the scheme of his Bank to their lordships, he had afterwards received information that a noble lord, possessing great landed property, because, no doubt, he had thought it right so to do, and that it could not be injurious to the public, had given notice to his tenants, that he should expect them to pay him their several rents in guineas, or in Portugal gold, or in Bank notes at a depreciated rate. If this example was followed, it must do incalculable mischief, and to guard against this was the object of his Bill. Various reasons had operated on his mind in favour of creating a new circulating medium, and that of book-entries and transfers. In doing this, he had availed himself of the vehicle of the Bank of England, as he found it established. He maintained that at this moment a pound sterling and a Bank note of 1*l.* were at par. He proved they were of equal value in this way: Suppose he were to go to a banker's, and lay down 21 one-pound notes on one hand, and 20 guineas on the other, desiring that two separate accounts might be opened in his books for these two sums: he would find that they were both to the same amount, namely, twenty-one pounds. It was his wish, for five or six months to come, to maintain the pound note and pound sterling on this equality, which would not be the case were the example of the noble lord behind him (lord King) to be followed, and no legal provision made against that course. [Here lord King, as we understood, asked if they were now at par?] Earl Stanhope said, he had no objection to be catechised by the noble lord, provided he allowed him, in his turn, to become parson. He had shewn that they were at par sufficiently to answer his argument, and he defied the noble lord to prove the contrary. He deprecated permitting the possibility of this depreciation being created, as it must fill with discontent the most useful classes of the community, those on whom their lordships, as well as others, depended for the payments of their rents, and the means of living. They must be cautious not to offend this large body, and that, too, in a way accompanied by gross injustice. It was on that feeling he had acted on several cases; such as that, for instance, of the Dissenters lately, or any class who felt or apprehended abuse. His Bill removed dangerous temptations, and made the pound and note in his sense, or left them, on a par. This Bill had been commended greatly by those who seldom approved of any motion of his. He was happy at this; but they went even farther, and said it was the very best remedy they had heard, but not yet necessary, as nobody would be found to follow the example of his noble friend. He liked rather to give to people the protection of the law, than any understanding or caprice of other men, which was not a firm foundation. As the noble Secretary of State shewed no disinclination, if any necessity appeared, the question turned merely on the probability of the example set being followed. He had a bundle of instances of this sort, and he only wished that a great many more would say so at once, and then they would proceed to prevent the evil. Here the noble earl produced a number of letters, from several of which he read extracts. One person wrote that his landlord said, "What one landlord can do, all can do. If lord King succeeds, I will do the same:" and then proceeded, without a fee, to ask the noble earl's opinion. Another letter stated a recent transaction in Hampshire, where a man bought an estate for 400*l.* and paid down 100*l.* of the money, and afterwards fitted up a house and other buildings at the expence of several hundred pounds more. Some time afterwards came the time of payment, when the vender desired to have his money in specie. The buyer could not get guineas, and notes were refused by the vender, who would have his payment in guineas, or his land back again. The buyer was actually trying to raise money by mortgage on his improvements. The only consolation left to the buyer was an intimation from a friend of the vender's that he could inform him where he might obtain the guineas he wanted, by paying twenty seven shillings a piece for them! (Hear! hear!

from both sides.) Some might smile, and some shake their heads at this; the whole country might well shake their heads at it. His lordship read another letter which stated the conduct, not of a landlord, but of a lady. He did not know whether the noble lord near him had followed the lady or the lady had followed the lord; but the lady had refused to take any thing but gold, and had asked a person interested, whether he was acquainted with the difference between taking Bank-notes and taking gold. This person, in writing to him, stated an apprehension of the seizure of goods, and a readiness to come and prove the statement made in the letter. Another person, a professional man, had written to him, saying that he had witnessed much of the traffic, and apprehended from it most serious consequences. He stated, that he had been long in the habit of paying and receiving many small sums. A few days ago a gentleman had come to him from another part of the country, and paid him 800*l.* observing that he had brought with him 300 guineas, with which, or part of it, the other wished him to oblige him in the payment; but he would not part with any of them, saying that he knew a friend, who would give him six or seven and twenty shillings each for his guineas. This increasing traffic, added the writer, occasioned the great stagnation of gold circulation. Besides other accounts, the noble earl adverted to what he had heard respecting practices in Ireland, which had already been alluded to by a noble lord. He mentioned the profitable trick of a landholder's steward, in contriving, by the use of merely one hundred guineas, to procure the payment of a large rent, by compelling the tenants to purchase them, while they were moving in constant rotation from the shop where they were sold, to the agent's office where they were received. In addition to this, he could mention, that no less a sum than thirty eight thousand guineas were landed in Dunkirk lately, from this country, out of one cutter. He had even heard that a clergyman, a friend of a noble lord behind him (he did not know whether the noble lord intended to give him a living or not,) had said that every landlord in England ought to do the same as those whom he had been speaking of. From these statements of facts, communicated to him by respectable correspondents, and read from a mass of communications, he thought that the objection taken to his Bill by the noble secretary of state on the ground of there being no existing necessity for it, could not be supported. Those who objected, merely from the necessity not being apparent, must see from these communications, that the necessity might very speedily arise, and that too, when parliament would not be sitting. All those who agreed with him in the general principle of his reasoning, and the ground work of his proposition, ought to assent to the enactment of the measure he proposed. He was confident, that, under all our circumstances, the system of book entries was the most practicable mode; and it had also the recommendation of the Secretary of State himself, as the best remedy that had been offered. He was sorry for having troubled their lordships at such length, but the importance of the subject made him feel it his duty to do so; and the more so, because many noble friends were present, who took different views of the subject. The matter was for ministers to consider in good time. It was their particular business to attend to it. He should only say one word more to the noble Secretary of State. Let him take care not to imitate the lazy fireman, who suffered all the houses in the street to be burnt down through his dilatoriness; and when the mischief was done, appeared in the street with his engine. The noble earl concluded by moving the second reading of his Bill.

Lord *King* rose and said:*

My Lords; entertaining strong and decided opinions on the subject of paper currency, which I have never lost any opportunity of expressing, both in my place in this House, and by every other means in my power, I have always been ready to discuss the subject in general, and naturally feel, at present, most anxious to justify my own conduct, in consequence of the charges which, on a late debate, have, in my absence, been made against me.

Under these circumstances, I must crave your lordships' pardon, if I feel compelled to speak of myself, and of my private concerns, in an assembly where such topics in general are so improper; but the course of the late debate renders that detail imperative on me, and, indeed, the question has assumed that shape that it cannot be treated otherwise than by dividing it into two principal parts: 1st, My individual conduct; and, 2dly, the general subject of the present depreciated currency of the country, and the alarming projects held out of destroying the ancient standard of value, and of subverting the basis, and denomination, of the lawful money of the realm.

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* From the original edition, printed for J. Ridgway, Piccadilly.

I shall therefore proceed to state plainly, and explicitly, my reasons for refusing at this time to receive Bank-notes at their nominal value, in certain cases, and to avail myself of the remedy provided by the law.

Since the late decision in the House of Commons it appears to be the declared intention of the government, that the restriction shall continue to the end of the war, however distant that period may be.

The subject is thus brought home to the individual interest of every man whose property is yearly, even monthly, deteriorated in consequence of the unnatural state of the currency of the country. Under these circumstances, therefore, I have thought this the proper time to make a stand in defence of my property, and to endeavour to protect myself from further spoliation and injury.

During the last twelve years, we have seen the depreciation of Bank-notes progressively advancing in the most alarming manner; and every hope and prospect of amelioration being destroyed by the recent resolution of the House of Commons, there appeared to remain no other choice than either to submit with tame and patient resignation to receive payment in currency, of whatever value it shall please the Bank of England, in their forbearance and moderation, to permit henceforth to belong to the currency of the country; or to have recourse to the remedy which individuals possess by law, and which I shall hereafter shew has been purposely allowed and secured to them by the law.

There is also another reason, which I confess has had some influence with me in this determination. It was asked, insultingly, in another place, whether any person had ever yet ventured to refuse Bank paper in payment or satisfaction of a lawful debt; and on that foundation, it was attempted to be argued, that in point of fact, there existed no difference in value between paper and gold, and no actual depreciation. By bringing this question to issue, at least one of the remaining wretched supports of this fatal system will be overthrown.

In this state of things, for the defence of my property, I have thought it advisable, in the management of my private concerns, to inform my tenants holding lands under old leases, and under old leases only, that I can no longer continue to receive Bank-notes at their nominal value, in payment, or satisfaction, for such contracts; and I am now prepared to assert, not the bare legality, for that is unquestionable, but, what I am much more anxious to prove, the justice and equity of the course I have thought myself obliged to adopt. The plain broad principle upon which I have acted is, to require payment in a currency of the same intrinsic value which the currency possessed at the date of each respective agreement, and in order to ascertain this intrinsic value, I calculate the amount of gold which the stipulated rent was able to purchase at the date of the lease or agreement, and require the same weight of gold, or a sum in Bank notes sufficient to purchase that quantity of gold at the present time. I offer this alternative as an accommodation to the tenant, in case he makes the option of paying in paper money, instead of fulfilling his agreement by payment of his rent in the lawful gold coin of the kingdom.

The following is a copy of the Notice:

'By the lease dated 1807, you have 'contracted to pay the annual rent of '100*l.* in good and lawful money of Great 'Britain. In consequence of the late 'great depreciation of paper money I can 'no longer consent to receive Bank-notes 'at their nominal value, in payment or 'satisfaction of an old contract. I must 'therefore desire you to provide for the 'payment of your rent in the legal gold 'coin of the realm. At the same time, 'having no other object than to secure 'payment of the real intrinsic value of 'the sum stipulated by agreement, and 'being desirous to avoid giving you any 'unnecessary trouble, I shall be willing 'to receive payment in either of the 'modes following, according to your op'tion.

'First, In guineas.—Secondly, If guineas 'cannot be procured, by payment of Por'tugal gold coin, equal in weight to the 'number of guineas requisite to discharge 'the rent.—Or, thirdly, By the payment 'in Bank-notes of a sum sufficient to pur'chase the weight of standard gold re'quisite to discharge the rent.—The alteration of the value of paper money is estimated in this manner: The price of gold in 1807, the year of your agreement, was 4*l.* 2*s.* per ounce; the present market-price is 4*l.* 14*s.* arising from the further depreciation of the value of paper; in that proportion an addition of 14*l.* 12*s.* 8*d.* per cent. in paper money will be required as the equivalent for the payment of rent.'

In the above instance there is a difference of 14*l.* 12*s.* 8*d.* per cent. in the currency between the year 1807 and the present time. In the case of an agreement dated 1796, when the market-price of gold did not exceed the Mint-price, because the currency was then in a pure and perfect state, the difference between the payment in gold or in paper money amounts to the whole of the actual depreciation of the currency at this day; and if the market price of gold was 4*l.* 14*s*, on the 10th of May, when the calculation was made, it follows, that in the proportion of 3*l.* 18*s.* the Mint-price of gold, to 4*l.* 14*s.* the present market-price, one hundred pounds will give one hundred and twenty pounds nine shillings. The principle being thus clearly stated, the only dispute which can arise, as to the equity and fair dealing of the transaction, must proceed from a doubt as to the correctness of the data on which the calculation is founded. The prices of bullion at the different periods are taken, as far as they can be collected, from the returns made by the Mint to the House of Commons, as far as they reach; and since the 5th of March 1811, the price of gold is taken from Wettenhall's prices-current, the same source from which the officers of the Mint derive their information: if there is any error, it is therefore open to correction.

Where, may I ask, is the hardship of this demand? The price of the produce of land, the price of labour, the price of every great staple commodity, are all affected by the value of the currency which serves to circulate the wealth and industry of the country. In proportion as the currency is depreciated, the price of wheat, of cattle, of all the produce of the land, and of every commodity, is augmented. Of course it must always be understood, that in all cases the price of every thing whatever is regulated by the supply and the demand, and, when so determined, is afterwards affected by every variation in the intrinsic value of the currency by which they are circulated. The covenants of a lease secure the payment of rent in the lawful money of Great Britain, (these are the express words of the contract): the lawful money of Great Britain contains a certain known weight of gold of a certain known fineness of standard; and if Bank notes, from any cause whatever, will no longer purchase that weight of gold which, according to the regulation of the Mint, ought to be contained in a certain given sum of lawful money, they will no longer fulfil an old contract according to the spirit and essence of the agreement.

In the case of a contract made for a fixed sum at a distant period, under the uncertainty and irregularity of a paper currency not convertible into gold at the will of the holder, the only equitable course for both parties to adopt appears to be, to ascertain the quantity of bullion which a pound note of the common currency was able to command at the date of the agreement, and for every pound of rent, or interest, or principal sum due, to require the same quantity of bullion, or the amount of debased currency sufficient to purchase that quantity of bullion. This is the true and equitable payment and satisfaction of such contract.

On every sound principle of law and equity, the landlord is entitled to receive the real intrinsic value of the stipulated sum, in good and lawful money; or at least in currency equal in value to the currency at the date of the contract. He is strictly in law entitled to the legal gold coin of the realm, if such is the condition and obligation of the contract; as matter of favour and concession, he may consent to receive his payment in any other shape, for the convenience or relief of the party bound to the fulfilment of a contract; but a payment in a debased paper currency, is a payment in name only, and not in reality. It formed no part of the stipulation of the bond. There is no limitation to the extent to which a loss, proceeding from that cause, may be carried. To put an extreme case, which no man can assert to be impossible, because in another country it has actually been exceeded: a note of one pound may not be worth or pass current for more than one shilling, consequently all commodities would be advanced to twenty times their former value. In a case so palpable, it would be impossible for any one to imagine, that a payment, in such degraded currency, would be in any sense a satisfaction for a contract concluded before the depreciation of the currency had taken place. It would be impossible to deny, that, by such a payment, the landlord would be defrauded of nineteen parts out of twenty of his just demand.

In order to prevent any misconception and false statement of my conduct, I take this opportunity of openly stating, that so far from taking any undue advantage by making, in this year, or last year, or at any time, an agreement for land at a greatly advanced rent, calculated on the advanced price of all produce in consequence of the debased state of the paper currency, and then taking advantage of the law, and calling on a tenant, under such circumstances, to pay in gold, or the value in gold, equal in fact to an addition of twenty per cent. at the present market price of gold; I am, on the contrary, ready to reprobate such conduct, as most unfair and unjustifiable. My conduct has been totally different; I have strictly abstained from making any such demand, or from requiring a compensation for any alteration in the value of the currency for two or near three years, though such alteration is not inconsiderable. I shall continue to receive payment in Bank notes, until, by a further depreciation, the notes, at some future period, shall become visibly and sensibly deteriorated below their actual value at the date of the leases in question; I shall then expect to receive that difference, if any, whatever it may be. And further, I am prepared to say, that if, by the unexpected event of the restoration of the currency to an improved state, I shall be perfectly satisfied to receive such rents, diminished in proportion to the improvement of the currency at any future period, compared with the currency at the date of such leases. For all land let to tenants at will, I shall continue to receive Bank notes, conceiving the land to be let for the price of the times, or that I have at least the power of obtaining, if I please, the fair price of the times.

To place this subject in a clearer light, and to remove any remaining prejudice, respecting the oppression or hardship of the proceeding, it may be useful to explain the nature of rent. Rent is generally defined to be the value of that part of the gross produce of a farm which remains, after making full allowance for all expenses, taxes, and profit of capital employed by the farmer in the cultivation. The gross produce is generally supposed to be divided into four shares, three of which are allotted for the above purposes, and one for the rent: this last portion is then estimated at the average price of produce during some preceding years, and thus converted into a money price for the mutual convenience of both landlord and tenant.

But the effect of the depreciation of the currency is to augment the price of all the four shares of the gross produce of the farm, of those which are to defray the expenses, as well as of that portion from which the rent is supplied. It will be found that the tenant suffers no loss, if he is required to make only an equitable compensation, equivalent to the depreciation of the currency; he has already received an advance in the sale of his produce; he is only prevented from acquiring an additional profit, to which he can have no just claim. To any increase of price, in consequence of the increasing opulence and prosperity of the country, the tenant is in every sense justly entitled: the two causes of increased price are totally distinct; the one arises from the fair increased demand and consumption of the country, which may well have entered into the calculation of the amount of rent; the other proceeds from an anomaly in the currency, which never could have entered into the contemplation of the parties.

I presume it will not be denied, that paper currency is in its nature liable to depreciation, after having witnessed the example of so many countries on the continent, of the Assignats in France, of the paper-money of Sweden, of Portugal, and the most recent instance of Austria. The symptoms of depreciation have manifested themselves unequivocally in this country; they are apparent in the advanced price of bullion keeping pace with the excessive issue of notes, in the unfavourable exchange, and in the general rise in the price of all commodities. The average price of wheat, which, from the year 1771 to 1785, was forty-six shillings; and, from 1786 to 1797, was fifty-two shillings; has since that period, which it must be remembered was also that of the Bank restriction, increased in a very different ratio. In the twelve years, from 1798 to 1810 (omitting 1800 and 1801, years of dearth), the average price of wheat for England and Wales has amounted to seventy-one shillings the quarter.

At the price of fifty-two shillings the quarter, it required eighteen quarters of wheat to purchase a pound weight of gold, which by the mint is coined into forty-four guineas and a half. It appears, that during five years, beginning in the year 1802 and ending in 1806, the average price of wheat was seventy shillings; and as in the same years the mean price of gold bullion was nearly 4*l.* 2*s.* per ounce, or 49*l.* 4*s.* per pound, it required fourteen quarters or half a bushel of wheat, at seventy shillings, to purchase a pound of gold at that market-price of bullion. During the last five years, eighty-five shillings a quarter may be stated as the average price of wheat, and the mean price of gold has been nearly 4*l.* 7*s.* per ounce, or 52*l.* 4*s.* per lb.: it required therefore only twelve quarters and two bushels of wheat, at the price of eighty-five shillings, to purchase a pound of gold, even at the advanced rate of gold, during these five years.

It may be inferred from the highly advanced prices of wheat, compared with former times, and particularly its rapid increase since 1797, that the paper currency has suffered a material alteration of value. But from this examination of the relative value existing between corn and gold bullion, after making great allowance for the advance in the price of wheat in consequence of an increased demand, it may also be suspected that the supply of gold itself has been likewise very considerably increased; or, in other words, that the real price of gold has been most sensibly diminished. This view of the subject has convinced me of the propriety of not submitting any longer to the loss which arises from the present great inferiority of the value of the note to that of gold, seeing that the gold itself, compared with the best standard of value, has in all probability become really much cheaper and more abundant than at any former time.

It must be kept in view, that payment in gold is the condition of the obligation, and that, in most instances, the option proposed is much to the advantage of the tenant, and intended as an equitable modification and abatement of the legal demand. In the North of Ireland it is not unusual to require rents to be paid in specie, and the effect has been to retain the gold coin in those districts where that practice continues.

Having acted on principles, such as I have described, and being satisfied with my own conduct, I shall not be deterred by clamour, or by any imputation whatever, by which it may be attempted to prevent me from insisting, at the same time, with firmness and moderation, on a just and legal demand. It may suit the interest of some persons, by such unworthy means to attempt to put down that which they hesitate and fear to do, by legislative interference, notwithstanding the facility with which, of late years, acts of parliament have been passed, to suit the convenience or inconvenience of the moment. It was attempted in France to intimidate individuals, who preferred the good metallic money to worthless assignats, by branding them with the charge of incivism, or incivic practices, in the revolutionary phrase; and, to judge from the language of his Majesty's servants, who are endeavouring to inculcate the acceptance of paper money as a moral and political duty, we are here also to be governed according to the true jacobin doctrine, which required individuals to regulate their conduct not by their own proper interest and convenience, but according to some speculative principles. In a well-regulated state, the proper interest of individuals is inseparable from that of the government, and it is the duty of government to take care to avoid any system or state of things in which individuals, pursuing their own interest, and acting legally, shall have the appearance of acting at variance with the public interest. If the notes of the Bank of England are not depreciated in value, and if, in fact, there is no difference between paper and gold, the preference given to the latter will be an idle preference, of no public inconvenience, because it will not be followed. If the value of the Bank paper is really at par, it is not in the power of any individual to alter the fact; and any attempt to do so would be despised as it deserved: but if, on the contrary, the Bank-paper is greatly inferior in value to gold coin and bullion, it is highly meritorious to expose and resist a system, through which the whole community is impoverished and defrauded.

I must desire to be informed by what new rule, by what new order of things, an individual is bound to account in parliament for his conduct in the management of his private affairs: if he has claimed his right only, it is his by law; and if he has demanded more than his right, the poorest man in the country may have redress against him.

Having now, my Lords, as I conceive, proved the justice of my conduct, by a statement irresistible in a court of equity, I shall proceed to the other part of the subject, and I shall, in the first place, endeavour to show, that in the year 1797, the law respecting legal tender was by design left without alteration. The legislature, contemplating the inconvenience to which individuals were exposed, by the Bank restriction, took away the power of arrest: as long as the value of gold and paper money was equal, there was no temptation to insist on gold; but if gold was demanded, the debtor had it in his power to buy bullion, and take it to be coined at the mint, the law, in the mean time, protecting him from arrest. The legislature, when it sanctioned the Bank restriction, in 1797, most assuredly never contemplated the depreciation of the currency as now existing to so great an extent. The association agreement, to receive Bank-notes, entered into by the members of the privy-council, and the great merchants and bankers in London, was perfectly voluntary: it was entered into on the presumption that the currency was then, and would continue to remain at the full standard of value. At that time it was little expected that the Bank of England note of one pound, which had always been able to command a certain weight of standard bullion, would ever be so reduced in value as to contain sixteen shillings and seven-pence only, instead of twenty shillings, its former intrinsic value; a defalcation of three shillings and five pence in the pound on all fixed income, a privation much greater than the income-tax, the heaviest burden ever imposed at once on any country.* That at least is paid for the public service; but is it to be endured, that a Bank-tax of near double the income-tax shall be taken from the income of individuals, not for the public service, but for the sole gain and benefit of that corporation? I am almost tempted to say, (if the Bank is so accustomed to the vast gains it has acquired, by the continuance of the restriction, that it will not consent to forego them), that the government would make a provident bargain, by paying five or six hundred thousand pounds annually to the Bank, stipulating, in return, that the Bank should reduce the quantity of notes in circulation, until their intrinsic value was restored.

Some step must be taken to put an end to all the manifest injuries, both public and private, arising from the depreciation of the currency. To consider it in one point of view, the public expenditure this year of ninety millions is equivalent to seventy four millions only of currency of the former standard; but as the interest due to the public creditor is a fixed sum, the extraordinary expence incurred in this single year, in consequence of the state of the currency, has been little short of ten millions sterling. It is now evident, that it will be found impossible to avoid augmenting the pay of the army, of the navy, of all the servants of the government, unless you speedily interpose and take effectual measures to restore the value of the currency.

In Portugal and Sicily, the loss incurred by government, from the adverse exchange in the last year, is not less than twenty per cent. on all money remitted to those countries; and it is in vain to attempt to conceal the fact, that the expences of the government at home, in the

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* The following Table will show the real Value of a One Pound Bank-note, at the Market price of Gold.

Market-price of Gold per Oz. £.	s.	Real Value of Note. s.	d.
3	18	20	0
3	19	19	$8\frac{7}{10}$
4	0	19	6
4	1	19	$3\frac{1}{10}$
4	2	19	$0\frac{3}{10}$
4	3	18	$9\frac{5}{10}$
4	4	18	$6\frac{8}{10}$
4	5	18	$4\frac{2}{10}$
4	6...10 per Cent...	18	$1\frac{6}{10}$
4	7	17	$11\frac{1}{10}$
4	8	17	$8\frac{7}{10}$
4	9	17	$6\frac{3}{10}$
4	10	17	4
4	11	17	$1\frac{7}{10}$
4	12	16	$11\frac{4}{10}$
4	13	16	$9\frac{2}{10}$
4	14...20 per Cent...	16	$7\frac{2}{10}$
4	15	16	$5\frac{1}{20}$
4	16	16	3
4	17	16	1
4	18...25 per Cent...	15	11
4	19	15	9
5	0	15	$7\frac{2}{10}$
5	1	15	$5\frac{3}{10}$
5	2	15	$3\frac{5}{10}$
5	3	16	$1\frac{7}{10}$
5	4	15	0

supplies for the navy, and for the ordnance, are all equally augmented. The only advantages, indeed, which the government derive from the continuance of the Bank restriction, are some certain accommodations which it received from the Bank, in discounting exchequer bills and government securities, and the shameful profit of defrauding the public creditor, by compelling him to receive payment in depreciated paper money. It has sometimes been argued, that the value of gold, by some unusual circumstances, has of late years greatly increased; and it is contended, that gold, which is the common standard and measure of value in all parts of the world, is not in this country the best suited for that purpose, or at all comparable in certainty and steadiness to the standard value of the Bank of England note. On examination it will be found, that this alledged dearness of gold depends entirely on the commodity which you have to give in exchange for it. It is perfectly true, that if you have only Bank paper to give in exchange, the gold is extremely dear in the exact proportion as the paper to be given in exchange is become cheap; but if you have corn or labour, which have been considered as the most perfect standard of value, it will be found that gold is really much cheaper than at any former time, as less labour and less corn will now command the same weight of gold. The same result will be found to take place universally in every quarter of the globe. In France, the money prices of all commodities appear to have risen one fifth since the Revolution. In every country, it will be found that the prices of commodities, of food, and of labour, have risen, or, what is the same thing, that gold has in fact fallen in value. That the supply of gold imported into England is very large, may be seen from the evidence of the greatest bullion-merchants in London, who say you may procure any quantity, provided you will pay the price.

It is further said, that all the gold in England is clandestinely exported to France in payment for corn, which we must of necessity procure, and which they will not consent to give us except in exchange for gold. It is perfectly true, not only that the exports, but the imports of gold, are in much larger quantities than at any antecedent period.

All the bullion, which in the shape of tribute, and in the ordinary course of commerce, flowed constantly from Spain and Portugal into France, and through France to the other parts of the continent, has now, from the total interruption of all intercourse, ceased to be carried in that direction.

A new and more easy channel has been discovered, by which the produce of the gold mines of South America, can be distributed over the continent of Europe; the more open communication and intercourse which has lately taken place between Great Britain and the Spanish and Portuguese settlements in South America, has opened a new road, through this country, for the passage of the precious metals from the new world, where they abound, to the old continent, which does not produce them. That this is the new course of commerce is obvious from the state of our commercial relaition and easy access to South America; it must be so in the present state of the world. It follows of course, that the gold must be cheaper in this country than in other countries to which it is afterwards exported; it is in the nature of things that it must be dearer in France, by all the expence of transport, risk, and insurance, which is incurred by the export of bullion.

The proposal of introducing an alteration of the law of legal tender, which has been intimated with a view, I suppose, of feeling the way, before so dangerous an innovation of the general rules of law and justice shall be openly avowed, is the most pernicious and destructive ever ventured to be made by the wildest theorist in any civilized country. All the fatal consequences of such a measure, once carried into execution, no man can possibly foresee. But of this we may be well assured, that it threatens to subvert the whole system of the political economy of the country; that it will overturn all fixed and certain standard of value, and totally destroy the spirit and meaning of all contracts and engagements between man and man.

By such an act, you at once declare bank-notes to be a forced paper currency, no longer resting on the basis of voluntary circulation; you will proclaim to the world that your bank-notes are assignats to all intents and purposes, differing in degree only, and not in kind. Mr. Burke, when contrasting the paper money of England with the assignats in France, describes them as powerful on the exchange, because impotent in Westminster Hall. How little did that great man imagine, when he was describing the horrible system of the French assignats, that he was also drawing the future picture of his own country!

A forced paper currency, once established by law, will leave no means of retreat; it will advance thenceforward with rapid strides towards that horrible system of finance which ruined millions in France; if once you start on the same course, you must inevitably run the same race. Your enactments must be either ineffectual, or intolerably tyrannical. The symptoms of rapid depreciation have already unequivocally appeared, and a legislative enactment, vainly intended to support the value of your paper money, will prove here, as, infallibly as it has proved in all other countries where the same fatal measure has been adopted, the immediate forerunner of the last crisis of the paper system.

Against such a monstrous proceeding we have the authority of Mr. Pitt himself. We have also the authority of judges in Westminster-hall. In the court of Common Pleas, upon a question whether bank-notes were made a legal tender by the Restriction Act, Mr. Justice Heath held this language:

"Whatever inconveniences may arise, the courts of law cannot apply a remedy. I think indeed the legislature acted wisely, having the recent example of France before their eyes, to avoid making bank-notes a legal tender; for in France we know that legislative provisions of that kind, in favour of paper currency, only tended to depreciate the paper it was designed to protect, and were ultimately repealed as injurious in their nature*."

We have indeed the experience and example of France, as a warning to avoid the same calamities: in support of the assignats, there was legislative interference, and penalties and terror ever ready at command, exercised with unrelenting severity and unceasing vigilance. But I ask, did ever that system of terror stop the depreciation, or uphold the finances of France? Has the forced paper currency of Austria (the most recent instance) preserved the finances of that empire? on the contrary, their destruction is also nearly completed.

It may be instructive to us to know what has been done in other countries, to modify and correct the disturbance of all contracts occasioned by the progressive depreciation of their respective currencies. In France, and in Austria, it has been found necessary to establish a rule for the equitable performance of contracts. When the frenzy of the Revolution had subsided, the French government, after the destruction of their assignats and mandats, and the consequent reappearance of metallic money, ascertained the value of the Louis-d'or, as compared with assignats at different periods. When the Louis of 24 livres purchased 600 livres in assignats, it is clear that an engagement made in assignats at that rate was 25 times the value in good money. When the Louis was worth 1,200 livres, a contract made in assignats was 50 times the value of the metallic money. And in this simple manner, according to any given market-price of the Louis at a given time, contracts were reduced to their real value.

The remembrance of the assignats has, however, in a great degree, put an end to leases in France; and if they are ever now made, the rent is stipulated to be paid in certain measures of corn. It may shortly be found necessary to have recourse to the same precaution in England. The practice has, no doubt, its inconveniences; no man can calculate the exact amount of his income for any particular year, because it will depend on the seasons and the casual supply of that year: but if, instead of the money in which the rent is paid actually containing or faithfully representing a fixed certain weight of gold of a certain standard, there shall be substituted a currency subject to depreciation, in that case the undefined loss will far outweigh any possible inconvenience, and the landlord in his own defence must again resort to the antiquated mode of former ages, and stipulate for a certain measure of the gross produce of the land.

It is said that some legislative interference is absolutely necessary to protect the tenants against the demand of their landlords, and on that account the Bill is favourably received by those who profess to support the interests of the former. Little, indeed, do these men understand the interest of the tenant, who exhibit such total ignorance of the great and permanent interest of the agriculture of the country, to which the interest of the tenants and of those who follow agriculture as a profession is inseparably united. If once the impious breach is made in existing contracts, if once the legislature interferes with a violent hand, and tears out of the contract those positive stipulations, in faith of the due performance of which one of the parties has resigned and delivered over his valuable property, in the firm reliance that he shall be permitted to receive what he considered as a valuable equivalent, but which condition is afterwards totally abrogated by an *ex post facto* law, there is an end of all faith both in public and private transactions. No man can henceforth place his dependance on the faith of contracts; the lands must be occupied by yearly tenants, for no landlord, after so dreadful a lesson of legislative injustice, will assign his property for a fixed term to the chance of an uncertain value. There has already appeared a visible and general unwillingness to agree to new leases for long terms; and any suspicion of the possibility of interference with existing contracts, will extend that unwillingness to make leases even for the shortest periods.

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* Bosanquet and Puller's Reports, vol. ii. p. 526. Case of Grigby v. Oakes.

My Lords, the difficulties of our situation have proceeded from long continued legislative interference; from having deserted the old sound maxims and general rules: the further you proceed in this course, the more difficult is your retreat. I well remember the emphatic words in which our present situation was described in a former debate in this House: it was forcibly said, "that legislative interference was heaped on legislative interference, difficulty was added to difficulty, until at last the original object lies overwhelmed and buried under the incumbent mass and rubbish of superadded matter." It is in vain to imagine that any interference can uphold the value of Bank-notes, if they are deficient in intrinsic worth, if less gold is given for the paper than that paper promises to pay. The attempt is against the natural order of things, and is pregnant with every mischief. Whatever may be the consequences, I am convinced the discusion must do good; the subject has been suffered to rest for several years, and by that neglect the depreciation has gradually and progressively advanced; and no possible effect arising from agitating this question, and bringing it to issue, can be so pernicious as the actual state of our degraded currency. In the year 1803 I opposed the Restriction Bill; I resisted it in parliament, and endeavoured to expose the system, which I thought so injurious to all public and private interests. I foretold the consequences; and, having now unfortunately seen my opinion confirmed far beyond my expectation, of all men I am the last to be blamed if I have now had recourse to a remedy founded both in law and justice.*

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* This Speech is taken from the original Edition printed for J. Ridgway, Piccadilly; to which is added the following

POSTSCRIPT.

"Having so plainly stated the principle on which I expected those, who had entered into contracts with me, to discharge their engagements; I hardly thought it necessary to add, that I consider myself as under the same obligation to those who have demands upon me under any old contract or engagement. I take this opportunity of stating, that I not only hold myself bound, and am ready, to satisfy all such demands, by payment of the same intrinsic value which the currency had at the date of each respective contract; but that I have already acted upon this principle in a payment of considerable amount.

"The Bill now before parliament will place some impediments in the way of those who desire to carry into effect an equitable adjustment in the payment of old contracts; but methods may be devised for an equitable arrangement without much trouble or expence. For this purpose, ascertain the weight of standard gold which the currency was able to purchase at the date of the contract, and let the payment be made in the same weight of standard gold. Coined money was invented for the general convenience; but if it cannot easily be procured, payments may be made in uncoined bullion of the same standard.

"For instance, if the price of gold at the date of the contract was 4*l.* 2*s.* per ounce, then, in the proportion of 4*l.* 2*s.* to 3*l.* 18*s.* the Mint-price, it will require the weight only of 95 guineas and $\frac{10}{82}$, as the equivalent for 100 guineas; and as that weight of standard gold may afterwards be sold at the market price, the landlord who receives it at that rate (an act of favour and concession on his part) will be indemnified for the increased depreciation of paper since the date of the contract, and at the same time will have regulated the payment according to the intrinsic value of the currency at the date of the lease.

Earl *Bathurst* said, notwithstanding the very able manner in which the noble lord who had just sat down had defended his conduct, he would still maintain, that the measure which he was now about to adopt would be mischievous to the country, and

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"For all contracts made before any depreciation had taken place, it will of course require the weight of 100 guineas in standard gold to discharge a demand for 100 guineas: but if, instead of standard bullion, a preference, for the sake of convenience, is given to Portugal gold coins (which, as an article of commerce in demand, are more valuable), an allowance may be made in proportion to their superior price in the market, requiring the weight of 98 guineas in such coin for 100 guineas due.

"Since the restriction on cash payments in 1797, the natural check and safeguard against excessive issues of paper-currency has been removed; and it is confessed, that the Bank has not been guided in regulating the amount of their notes either by the price of gold bullion, or by the state of the foreign exchanges. All paper, not convertible into gold on demand, is in its nature liable to depreciation from excess, and the amount of such depreciation is measured by the excess of the market-price of bullion above the Mint-price. When the paper-currency is not able to purchase as much gold as it promises to pay, then in proportion to that smaller quantity which it can command at any given time is the depreciation of the paper. Since 1799, gold bullion has progressively advanced in price, in proportion as the real value of the note (by which the gold has been purchased) has declined.

"The alteration of the intrinsic value of the currency has been so considerable, that it is become necessary, for the just and equitable liquidation of contracts made prior to the depreciation of the currency, or at any time during the progress of that depreciation, to ascertain the real intrinsic value of the common currency in which all contracts have been estimated, at the date of each respective agreement. For this purpose, it must be ascertained what quantity of standard gold any given sum of the common currency was able to command at the date of the agreement; and the payment of the same quantity of gold, or the value of that quantity, will be the equitable fulfilment of the contract, according to the intent and meaning of the parties. A payment in paper-money of inferior value is a payment in name only and not in reality; a payment in good and lawful money, according to the letter, may be a payment of more than was intended by the spirit of the contract.

"It has been said, that no contracts since 1797 could have been expected to be paid in gold. If such contracts stipulate for payment in gold, they are nevertheless binding on the parties, and any modification must be considered as an act of favour and concession. Such contracts ought, on every principle of justice, to be fulfilled according to their spirit and meaning. The restriction act at first was expressly stated to be only temporary; and for ten years, there was no important depreciation: it was not before 1808 that any serious injury was sustained. The hope that the currency would be restored to its former value, might have induced many persons to submit to a loss of five or six per cent.; but are there no limits to the endurance of an injury, and is the patient acquiescence for so long a time to be now urged as a conclusive reason against all future attempts to resist a manifest fraud and public injustice?

"It appears, that any considerable increase of the amount of notes in circulation has an obvious influence in producing an advance of the price of gold, and a correspondent diminution of the real value of the pound note. The average price of wheat for England and Wales, which from 1771 to 1785 was forty-six shillings the quarter, and from 1786 to 1797 was fifty-two shillings, has since that period, in the short space of fourteen years, experienced an advance in price greatly exceeding the advance of the whole preceding century. Before the Bank restriction, and even during the two first years, it required 18 quarters of wheat to purchase one pound weight of standard gold, which was coined into 44 guineas and a half; at subsequent periods it has required only 14 quarters and half a bushel, 12 quarters and 2 bushels, to purchase a pound weight of gold, even at the apparent high price of gold. These calculations are made on the average prices both of corn and gold for five years, and five years, omitting the two years of dearth 1800 and 1801. In the last year, 1810, the average price of wheat was 106*s.* 2*d.* the quarter, and the price of gold for that year was 4*l.* 11*s.* the ounce:

an act of injustice towards his own tenants. He was exacting from the tenants a sum which they were not aware of at the time when they received their leases, and which, if they had been aware of, would perhaps have had the effect of preventing their acceding to the leases. In all the leases which he had granted subsequent to 1797, the tenant had a right to conceive he was to pay in paper, and not in gold, and therefore he ought to have told the tenant he would insist on having his rent

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It required then only 10 quarters 2 bushels and 1 peck to purchase a pound of gold; which same quantity of gold fourteen years before required no less than 18 quarters of wheat to purchase it. Considering the facts here stated, it is impossible to maintain that the price of gold has increased of late years; on the contrary, there is every reason to believe that a real and sensible diminution in the value of the precious metals has taken place, comparing them with wheat and labour, usually considered as the best criterions and standards of value.

" The pound troy is, by the regulation of the Mint, coined into 44 guineas and a half, of the weight of 5 dwts. $9\frac{39}{89}$ grs.; but guineas, if not reduced below the weight of 5 dwts. 8 grs. continue to be a legal tender. At that weight, viz. 128 grains, the pound troy of 5760 grains is equal in weight to 45 instead of $44\frac{1}{2}$ guineas. Promissory notes and tokens of the Bank of England, to the amount of 46*l.* 14*s.* 6*d.* can virtually and lawfully be discharged only by the payment by that corporation of 44 and a half guineas, or gold coins to that amount; and as 44 guineas and a half is only another name for a troy pound-weight of standard gold, every 46*l.* 14*s.* 6*d.* worth of Bank-notes is an engagement to pay a troy pound weight of standard gold. [From the Theory of Money, printed for S. Highley, 24 Fleet Street, 1811; a work containing a variety of useful information upon this subject.] A Bank-note, or any paper-currency, neither has, nor can have, any value but what it derives from being a true representative, not merely of the coins of the realm, but of a certain quantity of gold; because the coins of the realm have themselves, and can have, no value but what they derive from the quantity of sterling gold contained in them, and the gold coins in use are legal tender so long only as they contain the quantity of gold declared by the King's proclamation to be contained in them.

" In the earl of Liverpool's Treatise on the Coins, an account is given of the different treasons against the pound sterling which have been committed at different times; a brief summary of which may be usefully inserted:

				s.	*d.*
1.	In the 28th year of his reign,	Edw. 1.	coined 1lb weight of silver into	20	3
2.	—— 18th ——	Edw. 3.	—— ——	22	2
3.	—— 20th ——	Edw. 3.	—— ——	22	6
4.	—— 27th ——	Edw. 3.	—— ——	25	0
5.	—— 13th ——	Hen. 4.	—— ——	30	0
6.	—— 4th ——	Edw. 4.	—— ——	37	6
7.	—— 18th ——	Hen. 8.	—— ——	45	0
8.	2d year of her reign,	Elizabeth	—— ——	60	0
9.	—— 43d ——	Elizabeth	—— ——	62	0

" The reformation of the coin (in those times the only circulating medium) seems to have formed no inconsiderable part of the grievances for which parliaments attempted to obtain redress from those sovereigns, who, urged by their necessities, had degraded the coin for the purpose of defrauding their subjects.

" Since the establishment of a more regular government acting by general rules in the administration of the national affairs, according to the well understood interests both of the government and people, no sovereign of England, since the reign of Elizabeth, has had recourse to the expedient of making further innovation in the standard of the currency. The legal standard has remained unaltered ever since the time when queen Elizabeth made the last alteration in the silver coinage, and gold has since been made the only legal tender in all payments above 25*l.* in value.

" The use of the second table is to shew, by inspection, the real quantity of gold which the current paper-money was able to purchase in any given year, that quantity, or the weight of the number of guineas in the 3d column, being, according to the spirit of the contract, the equitable payment of 105*l.*; the 4th column shews the value of the weight of gold equal to the number of guineas contained in the third column, at the price of 4*l.* 14*s.* per ounce; the 5th and last column shews the further depreciation of paper money for every hundred pound since the date of the contract.

" It would have been a much easier and shorter method to have paid the difference of the value of Bank-notes by an addition to the nominal sum equivalent to the depreciation; but this practice would have exposed the fact to daily view, and would paid in gold. The noble lord had stated, that in those cases where the leases had been granted within the last two years, he had made no alteration; and that all that he asked for was an indemnification for the alterations which had taken place in the value of the currency since the restriction act. What sort of a principle was that, he would ask, which was not the same at all times? But the truth was, he did receive an indemnification by the increase of rent at the granting of every new lease. If a long lease were granted a greater rent was required than for a short one. The sum required for a lease of 7 years, was greater than that for a lease of 4; the sum for a 14 years lease was greater than for one of 7; and for 21 years, greater than for 14. On what other principle but the probability of a progressive depreciation, was this advance of prices asked? The noble lord, according to his own principle, must have been more aware than any other person, of the depreciation, and having been aware, would exact, at the time of granting his leases, a proportionate advance: yet now he was requiring to be paid a second time for that rise. Upon the principle of the noble lord, for all the leases granted by him in 1801 and 1802, he ought to have allowed a deduction of rent in 1804 and 1805; for the price of gold was higher in 1801 and 1802, than it was in 1804 and 1805. If he did not make any allowance to his tenants then, he was not entitled to ask them for any addition at present. He would put it to the noble lord, if he had made any such allowance? He must have been more aware of the increasing depreciation than any man living, from his known talents, and the attention which he had paid to the subject; but his tenants would not be aware of the intention of the noble lord, that he was going to set up a principle, that the rent was not to be a fixed sum, but should fluctuate according to the price of gold. The noble lord had stated, that he had adopted this line of conduct for the purpose of calling the attention of government to the subject, in consequence of certain Resolutions which had been adopted by the House of Commons. But why did he not adopt this course earlier in the session? He seemed to have put it off to the last period, that he might elude the vigilance of parliament. As to the question of depreciation, it was attended with great difficulties. He would, however, proceed to make one or two observations on what fell from the noble lord on this subject. He had said, that the advance in the price of gold must be attributed to an excessive issue of paper. Then in proportion as that issue diminished, the price of gold must fall. But if they looked to the papers which had been laid before the other House, they would be found not to confirm this doctrine; for the price of gold has risen when there was a decrease in the issue of notes, and fallen when the issue was increased. He had also stated, that a depreciation was attended by a general rise in the price of all other commodities. No doubt if a depreciation of the currency

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have carried with it irresistible conviction; and the legislature has lately interfered to prevent the depreciation from becoming thus palpable and manifest.

"If gold is in demand for the payment of contracts, for instance, for the discharge of rent, it will now be necessary for the tenant to require two prices for his produce, one for gold, and another for paper; or he may, if more convenient, dispose of the whole of his produce for the ordinary paper currency, and purchase the weight of standard gold (if gold coin cannot easily be procured) requisite to discharge his rent or bond-debts, according to the spirit of his contracts.

"It has sometimes been said, that the total disappearance of gold, and universal substitution of paper in all payments, prove, that it is impossible to procure gold; but it must be recollected, that the whole question rests precisely on the inferior value of our paper-money compared with gold; and therefore, as long as any considerable difference exists in reality, it is a manifest absurdity to imagine that payments will be made indifferently in gold and paper, when one currency has been 10, 15, and even 20 per cent. less in value than the gold coin. Let the value of the paper currency be restored to the value of the legal gold coins, and payments will again be made in gold and paper indifferently; let the opposite course be persevered in, and allow the depreciation to become so sensible that gold shall be demanded generally in preference to paper-money in satisfaction of old contracts, and in this manner the demand for gold will establish two prices, one for commodities sold for paper, and another for those sold for the gold coins."

should take place, it would be attended with a general advance of the price of all other commodities; but he would venture to say that a general rise might take place in the price of commodities without any depreciation of the currency. This might take place from an encreasing trade, and various other causes. But he would ask: was the fact such as had been stated by the noble lord? Was there a general advance in the price of commodities? Let the noble lord compare the current prices at present with those in 1808, and he would find that a large proportion of commodities, and those by no means inconsiderable commodities, had fallen in price. He would find that iron and wood, unfortunately for the noble lord adduced as instances of a rise in price; tallow, cotton, and a great number of other commodities, had experienced a great fall in them. When there was a depreciation in the currency, there would be a general advance in the price of commodities: but if there was a general advance it did not follow that there was depreciation. He had another observation to make: the measure of 1797 had been adopted by all succeeding administrations, and in particular by the administration to whose measures the noble lord acceded, and which he had supported. But the session of parliament, during which his friends were in administration, passed away, without either repeal or limitation of the restriction act being introduced. He believed there was not even a scrap of paper to shew that that administration had ever turned their thoughts to the subject. No doubt they acted wisely, and it would have been an unwise course to have acted otherwise; and the present administration had acted also properly in continuing the system. He concurred with the principle of the Bill of the noble earl, but, at the present period of the session, he thought it advisable to avoid making any legislative enactment on the subject. He hoped there would be a general disinclination in the country to follow the conduct of the noble lord; but if the evil should ever become general, it would be unfit for the House to suffer it to continue. It would be proper for them then to inquire into the instances of oppression which might take place. The noble earl who spoke first had mentioned several cases. Under these circumstances he thought it would be advisable to avoid making any alterations in the existing laws on the subject at present, and that this alteration might be effected with more propriety at some future period.

Lord *Holland* was perfectly ready to profess that he was not much acquainted with the doctrines respecting the circulating medium, much less so than many others of their lordships; but as far as he understood the subject at all, he assented to the doctrines of his noble friend (lord King); and this, together with the manner in which his noble friend had been attacked, both in and out of doors, made him anxious to deliver his opinion, and to share with his noble friend the obloquy and clamour that had been so loudly raised against him. He had no hesitation in saying, that if this measure passed, it must be only the first of a series of bills more daring than any this country ever saw, in order to attain an object which no government had a right to accomplish, and which, in reality, no government could effect. The noble earl who spoke last had gone so far as to assert, that the demand made by his noble friend was unjust towards his tenants, and mischievous to the country. On the contrary, he would maintain, that should it appear, as he had no doubt it would, that his noble friend was only dealing fairly for the interests of his own family, acting according to the laws of the land, and in consonance to his own rights, even though his conduct should be hostile to the system pursued by government; all that would only prove that their system was a bad one, and the sooner it was done away with the better. Instead of exciting a clamour against the conduct of his noble friend, should it not rather be received as a warning, that it was high time for government to retrace its steps, and if possible correct the evil before it was beyond the reach of remedy. The whole matter might be resolved into this short argument. Bank notes were either depreciated, or they were not; if there was no depreciation, then his noble friend's demand could do no harm, and gold could, of course, be obtained; if there was a depreciation, then he must contend, that his noble friend was giving the country a warning in time, by which they might profit. "Lay not this flattering unction to your souls," as if the present system could go on much longer. Were this Bill carried, recourse must be had to the principle of a maximum, and all the other measures which originated in France from the law that forbad the circulation of assignats but at its nominal value. The law of the maximum proceeded not from wickedness or folly, but from the previous steps that were taken. People would not bring their commodities to market, when they could not get what they wanted in exchange, and hence all the measures of force adopted to prevent the people from famishing. This Bill once made a law, he defied parliament to stop in the tremendous career; and to the very same complexion as in France would the matter come at last in this country. There was no other remedy but making the Bank resume its payments in specie. There was no choice, no other medium left. The Bank must either pay in gold, or things would go on, till parliament would be actually forced to adopt the most abominable measure of a maximum. The noble earl had stated, what in his mind was the ground of advancing rents on granting leases. He said that it was founded on a calculation of the advance in the depreciation of money. But how much did these fatal words, "Good and lawful money of the land," stand in the way of such an idea? Did not these words expressly mean, that the landlord was not to be paid in a depreciated currency; and was not the Bank-note depreciated, when a pound-note and seven shillings were currently given for a guinea? But the true reason why the landlord granted a long lease, was that his tenant might have an opportunity of improving the land to his own advantage, and thus leaving it ultimately in the hands of his landlord of more value than he found it. He must again repeat, that his noble friend had, in his mind, acted agreeably to the interests of his family, the law of the land, and his own rights.

The noble earl had said, that the last administration was equally accountable with the present for the continuance of the Bank restriction. But that administration, it was to be recollected, lasted only about a year, three months of which were employed in a negociation for peace; and had it been attained, the Bank restriction would have ceased of itself.

He would now shortly advert to the speech of his noble friend the mover of the present Bill. He never listened to the speeches of his noble friend without information and instruction; and, however much he admired the ingenuity which he had displayed on the present occasion, and gave credit to his honourable intentions, yet he felt convinced that his noble friend was recommending a series of measures which would involve the country in the greatest calamities. A noble lord high in office (lord Liverpool) seemed on a former night to approve of this Bill as a remedy; adding, however, that the evil was not so great as to require it at present, though it might do so in time. Now, he, on the contrary, would maintain the very converse of these two propositions, namely, that the evil did exist to a very great degree, but that this measure ought neither now nor at any future period to be the remedy. Mr. Burke, when speaking of the assignats, had justly observed, that it was the very essence of Bank-notes to be founded on credit, and that the great distinction of the Bank of England notes was, "that they were powerful upon'change, because incompetent in Westminster-hall." The instant the Bank note was supported by the hand of power, and not by credit, then its value would rapidly sink away. Where was the justice of coming with the arm of authority, and saying, "take this note for a guinea," when it was known that the guinea was worth 27 shillings? But his noble friend had said, there was no remedy left—it was Hobson's choice—you must take it because nothing else was to be got; though he would not have it made a legal tender. This reminded him of the story of a gentleman who was fond of deep potations at his table, and who used to say to his guests, "I press no man to drink more than he chooses, but still I make it a rule, that every one who stays should be expected to drink." Of course, those not inclined to drink deep soon rose to take their departure, upon which he used to ask his servant, in their hearing, whether he had let loose the great dog to walk about the passages; so that either way he had them. And thus, the Bill did not make Bank-notes a legal tender, but it would so operate that we should soon not be able to get any thing else. It was a legal tender in disguise, and would banish all money from circulation, while it necessarily increased the issues of paper. His noble friend had again quoted the saying of sir G. Saville, of its being possible to make any thing the measure of value. He agreed to it so far, but then it must be that which the people at large agreed to take as a measure, and not what the government chose to force upon them. Value must consist either in opinion, or in intrinsic use. And here he would call to the recollection of the House, what Mr. Burke, in his Letter to a Member of the National Assembly, had said on the subject of the assignats. He could not now quote the expressive language of that great man, but the substance of it was, "that the assembly might place the government in what hands they chose, but if once they declared paper to be coin, the real governors of the country would be the coiners of that paper." Should this Bill pass, the government of the country would be no longer in the hands of King, Lords, and Commons, but in those of the Bank; and all the multifarious transactions of men, in all the walks of life, would be left to their control. Their lordships were interested with the government itself, not to place the happiness of the country at the discretion of the Bank directors. He must, therefore, enter his solemn protest against this measure. If once adopted, we could not stop; the Bank-notes would run the same course with the assignats, and after passing through various stages of depreciation, would at last end in being absolutely valueless. He knew that a great deal might be said of the inconvenience of paying in specie; but if that was not done without delay, or at least a period fixed for the resumption of cash payments at the Bank, the neglect would not fail to draw down the greatest evils upon the country.

The Earl of *Rosse* observed, that all the arguments of the noble lord who had just sat down rested on this foundation alone, that the paper currency was depreciated. Now, that was the very question to be decided; and there was one argument which, to his mind, was decisive, that no depreciation had taken place. The value of any useful article could only be depreciated by too great abundance. There was every reason to believe that the amount of notes of the Bank of England now in circulation did not exceed the mass of circulating medium compounded of notes and gold in 1798. Was a less quanitity of currency required now than in 1798 to conduct the mercantile transactions of the country? Surely not; our domestic transactions had, on the contrary, greatly increased, and therefore there could not be a superabundance of the circulating medium, which could be the only cause of its depreciation, particularly as nobody doubted the credit of the Bank. The question was, whether a remedy should be applied to prevent the evils which a noble lord's determination was likely to produce. He thought there should, and that the present Bill presented that remedy. Of all the measures of Mr. Pitt, who was certainly one of the greatest financiers that ever lived, the Bank restriction was that which was attended with the greatest advantages. Had it not been for that great operation, the country would long ago have succumbed before the enemy. It was asserted by some, that if the quantity of circulating medium was reduced, it would increase its value. But, then, look at the other consequences. It would cramp and confine the industry of the country; it would put a stop to the operations of agriculture and commerce; the country would suffer the most tremendous evils. This would be the effect of making the Bank pay in gold, as its issues would necessarily be contracted in proportion. He wished this measure to be extended to Ireland also. The situation of the people in the north of Ireland was at present most calamitous; they were completely at the mercy of their landlords. Many of them would only take their notes at a discount; and if there were any noble lords from that part of the empire now present, he would ask them, if there was not a class of persons there who would only receive notes at one value, and issue them at another? Could there, he would ask, be a more monstrous injustice than this? Many persons flattered themselves that few would follow the example which a noble lord had that night declared his intention to set. He thought most highly of the good sense and patriotism of the people of England; yet, when men thus saw an opportunity of getting an addition of 20 per cent. on their rents, was it to be supposed, that only a few would avail themselves of it? He conjured their lordships to adopt the measure, and that without delay.

The Earl of *Lauderdale* regarded the present subject to be paramount to all others in point of importance; and the magnitude of the question was such as would render it criminal in ministers to dismiss parliament at present, without coming to some determination upon it. The noble lord who spoke last had asserted broadly, that the paper was not depreciated, because the issues of the Bank were not greater than the compound mass of gold and paper in circulation in 1798. But were the notes of the Bank of England alone to be considered? Why, the private Banks had doubled since 1798, and now there existed the extraordinary number of 720 private Banks, all issuing as much paper as they could possibly circulate. Whenever the notes of any country were withdrawn from circulation in any number, then the effect was, that the value of those which were left increased. This was the case in the North American colonies, and it was the same in the reign of king William, as he should afterwards shew. He was anxious to know whether ministers really approved of this Bill. Could they figure to themselves any advantage from it? Who was it that they wished to relieve? Was it the tenants? Why, the noble lord was perfectly willing to receive Bank-notes at their present value compared with the coin of the country. So far, then, they would circulate as before. But were this law to pass, he had not a doubt that it would not only diminish the number of Bank notes, but also depreciate them. He really thought that the only object of his noble friend, in proposing this measure, was to feel the pulse of the House and of the country, on the subject. The noble lord had asked, whether this was not a new state of things? No: at the latter end of the last century, circumstances almost exactly similar occurred. In the year 1695, men were going about purchasing notes for the purpose of paying their debts; and after they had collected a great number at a depreciated value, they brought them forward, and paid them to their creditors, who were obliged to receive them at their full amount, or to go without any part of their demand. In proof of this the noble earl read an extract from Mr. Drake's account, in 1699, of the attempts made at the above period to diminish the value of bank notes. He contended that two species of circulating medium could never exist at the same time in equal credit; for if one rose in value, the other must be depreciated; and if gold rose, paper, which was to represent it, if it once lost the confidence of those who were to receive it, must sink in the same proportion as the other rose in value. This was the case in France when the louis in gold was worth 1200 assignats in paper. Nothing could be more wretched and miserable than the situation of the people under these circumstances; notwithstanding which, no sooner was the whole of the paper swept away from the face of the country, which it was in the space of one day, than from that moment, the very same country, from being greatly distressed became highly flourishing, by getting rid of a set of wicked and mercenary individuals, who delighted to make their own fortunes upon the ruin and misery of the public at large. Many arguments had been urged to shew that the credits of the Bank of Scotland were similar to those proposed to be introduced by the present Bill; but he denied that any proof had been adduced in support of these assertions; and he was sorry to observe, that for want of more substantial arguments, ministers had been driven to resort to that miserable one, that the last ministers, who were only in office one year, had not taken any step to remedy the grievance that was now so loudly complained of. It was extremely unfair to urge such an argument in their own defence; because they well knew that the late ministers were, during the greater part of the time they were in office, engaged in a negociation for peace; which had they succeeded in effecting, would have put an end to the Bank restriction. Had they continued in office longer than they did, he was convinced they would have shewn their zeal for the interests of the country, by attending, in the most serious and effective manner, to this most important and desirable measure of causing the Bank to resume their payments in specie.—Before he sat down he would conjure ministers maturely to consider the nature of the measure they were now about to adopt. He knew very well that the noble earl who brought forward this Bill was possessed of great ingenuity; but he did not seem to have studied the nature and extent of its provisions. Could they bring forward an effectual remedy? No; the only way they could do it would be to make Bank notes a legal tender—a measure which he believed no man would venture to bring forward, either in that House or the other, without a great risk of being called to the severest account. The noble earl in his letter to the Lord Chancellor, had assimilated the pledges of the Bank to be given by this Bill, to those which were in force relative to the royal Bank of Scotland; but nothing could be more different; for in Scotland there was not a bank-note in circulation which the Bank was not obliged to pay in cash whenever it should be demanded. To this had been owing the very great improvements in that country, and the reason why the rents there had in the same space of time risen to a much higher state than they had done in England. Speaking of the argument of the noble earl (Bathurst) as to the injustice with which he had charged his noble friend (lord King) of acting towards his tenantry, his lordship declared, he never heard such nonsense. He felt ashamed of the House when he reflected on the mode in which the question had been urged. Ministers had adopted a measure, for which they had not been able to advance a single argument, except that of condemning an individual for pursuing a course with respect to his own property, which the law most fully and directly sanctioned.

Lord *Redesdale* said, if every landlord in the country were to insist on his tenants paying their rent in gold, they might very soon come to the point of asking two hundred for one, because for the tenants to obtain gold would be impossible. The noble lord said, that the statute of Edward 6 applied only to gold and silver, and not to any other circulating medium. If the noble earl persisted in the present Bill, and it should be adopted, it might be necessary to introduce the words of that statute, and make them applicable to paper. The act of parliament, which in 1797 laid the restriction on the Bank, made paper the same as gold, with respect to debts and public credit; and, whether the legislature were right or wrong in that measure, he thought that having said so, it now became the duty of parliament to protect the people in what had been done. Coin had been some how or other driven from the country; and if tenants could not get gold to pay their rents, they must be protected from being forced out of their farms, for not being able to effect impossibilities. The plan proposed by the Bill was, that bank-notes should be protected from depreciation, as gold was by the statute of Edward 6, that no man shall be compelled to take such notes; but if they did take them, it should not be for less than a pound. He did not think the words of the Bill would have that effect; yet the state of things required that some provision should be made against the existing difficulties and inconveniences, and he should therefore give his support to the Bill.

Lord *Grenville* rose and said: My Lords, in addressing you on this occasion, it is painful to me to observe, that I cannot remember in the course of my life to have ever seen the ministers of this country placed in so disgraceful a situation as that in which they appear this night. Whatever may be the variety of opinions entertained upon this subject by different persons, there is no man in the community who does not feel that this is by far the most important question in the whole circle of the political interests of the empire. I know that the House of Commons has already, by coming to certain Resolutions, expressed their belief that by so resolving, they had set this question entirely at rest. If the dangers, indeed, which being set before the view of that House, were intended to be counteracted by these Resolutions, had been purely visionary, the object had been perhaps accomplished. But if, on the contrary, we have now a practical test of the reality of the danger—if the predictions of those who pointed it out have been since completely verified—if in every day, and every succeeding hour, the evil is increasing—we have a manifestation of the futility of the supposition that the vote of the House of Commons would put a period to the discussion. I did not feel disappointment, my Lords, for it was what I expected, though I confess it was with a sentiment of indignation that I found only one of his Majesty's ministers rise on this occasion; and that he, declining all enquiry, all examination into the state of the alledged depreciation of the currency, should confine his whole answer to an attack on the private conduct of my noble friend. Provided men sinned not against the laws—provided they made the laws the rule of their conduct—it was an ancient maxim of wholesome government to permit them to act, under all circumstances, by their own discretion, and not to interfere in any manner, by regulations of any kind, or authority of any description, to debar them from the right of exercising their free and unbiassed judgment. It was left to the period of the French Revolution, it was left for Robespiere, for the Jacobin Club, and for the present ministers, to pronounce upon the private actions of individuals, and to determine whether they deserved the character of civism or incivism. My Lords, if men are to be governed by rules, those rules ought to be clearly expressed and generally understood, not left to the interpretation of political parties. In alluding to my noble friend and relation (lord King), I am sure that the censures applied to his conduct were most unmerited. I know and love the character of that noble lord;

I know his public spirit, his extensive information, his acquaintance, equalled by few, with the subject now before us. My Lords, I also know the private virtues that adorn him, the kindness of his temper, and the benevolence of his heart; and if I were called on to name the last man in the country likely to commit an act of injustice and oppression, it would be my noble friend. If the time is arrived for the introduction of new principles of government, and if my noble friend is to be required to explain the reasons which govern his private proceedings, in this assembly, will your lordships tell me where these principles are to stop? Are the merchants likewise to be called to your bar, to be interrogated as to the mode of managing their business, or to be instructed by government in the means of conducting their commercial transactions, so as to produce the greatest share of advantages to the country? Is that maxim of political science which influenced the policy of the government till it was subverted by the rash measures of the Board of Trade, to be at length utterly relinquished? That maxim which has been sanctioned by the most eminent statesmen and writers, and in the justice of which I most heartily concur, that the best way of promoting the public, was to give unrestrained freedom to the prosecution of individual interests, the aggregate of which constitutes the mass of national prosperity? It is not my intention, my lords, to trespass on your patience by following my noble friend through all the detail of his lucid and manly speech. In answer to the observations upon it, made by the noble lord (Bathurst) I content myself with appealing to the law, the plain understood law of the country. It is by that law that the members of the community must regulate their conduct, and not by party doctrines in parliamentary debate. I do not wonder at the wrath of ministers being directed against my noble friend: I do not wonder at the cowardly attempt to raise a public clamour against him, because he has been the immediate means of proving the fallacy of their belief, that they had set this question finally at rest. If, however, they had been animated by one spark of justice, or ordinary candour, they would not have held him out as a solitary example, but have fairly admitted what has been stated to you by a noble lord, this night (lord Rosse) that he had only imitated what has been the common practice in the north of Ireland, as well as the conduct of numerous individuals in this part of the empire. But this would not have suited their design, this would have been to admit the existence of the mischief that is coming upon us, and the only way of accomplishing this purpose was, if possible, to deter him by clamour and invective, from persisting in pursuing the dictates of his judgment. The question, however, is now said to assume a public character, and in this light I perfectly agree with those noble lords who have dwelt on the urgent necessity of applying an early remedy. The king's ministers, indeed, from whom it was natural to hear something on such a subject, do not favour us with the slightest observation. I believe, my lords, and I have before expressed this opinion, that the moment is at length arrived when, if the evil be not arrested it must advance with an accelerated progress, till it produces a state of calamity, not only unequalled by any thing that has hitherto ever affected this nation, but which it is almost impossible for the imagination to conceive. We are, however, in that miserable style of argument by which the measures of administration are generally defended, desired even now to shut our eyes to this alarming and extensive danger, and are told still to confide in our shield and buckler, as a certain armour against all the perils that surround us. A noble and learned lord has informed us that when Mr. Pitt first adopted the measure of the Restriction, he contemplated at the same time its indefinite duration. Really I am at a loss to know where the noble lord acquired this knowledge, but I do feel it to be my duty to declare, and it is a declaration which the part I took in the public councils at that period warrants me in making, that the most painful day both to Mr. Pitt and myself, of his and my political life, was that on which the circumstances of the country were deemed such as to impose on us the necessity of coming to parliament with that proposition as a temporary measure. By what considerations we were afterwards induced to extend it for successive short periods, it is unnecessary to explain; suffice it to say, that they are considerations which I shall ever deeply regret had any influence upon my mind. I do assure my noble friend that I have long since fully concurred in the arguments which he has urged against the original policy of that restriction. It must be in the memory of some who hear me, that I did oppose in ıy place in this House, the Bill for exnding the restriction to the end of the ar, and even then considered the proriety of the virtual resumption of cash ayments. Does the noble earl think en, that blame is rather due to me than those ministers who now sit in silent pathy, and see the evil approaching to its aturity with the most perfect insensibiity? With regard to my conduct when ast I held an office in his Majesty's goernment, I beg leave to remark that I was from the month of February to the November following, engaged with many f my noble friends near me, in endeaours to preserve what we considered to e the greatest boon that could be obtained for the people of this country, a safe and onourable peace. Had that event been appily accomplished, the Bank restricion would have been consequently at an end. If called on to account for the subsequent four months which I passed in office, I am called on to perform a task of which I am not ashamed. From the moment when I found that a safe and honourable peace was not to be obtained, I bent the whole force of my mind to prepare and mature a permanent system, which by wise precaution and provident arrangement, might so economize and husband our resources, as to enable us to continue the contest, not merely for a few years, but to the most distant period. Without any of those extraordinary exertions which have since been made, and in my opinion for the most impolitic purposes, this system would have operated in the most beneficial manner. I did not forget that the restriction was a permanent evil, but I conceived that the most effectual mode of dispensing with it, was to place the government in such a situation as to deprive the Bank of the plea of its necessities to continue their own profits. I know that it is not, as it was said to be declared by the Chancellor of the Exchequer, the want of gold in which the necessity of the continuance of the restriction originates. It is in the exigencies of the government, and in profuse and wasteful expenditure. To supply those exigencies, and to support that expenditure, you permit the Bank to make unlimited issues and spread through the country a depreciated currency. It is for this purpose that his Majesty's subjects are compelled in amount to pay their income tax, once to the revenue, and twice to those who profit by the restriction. This state of things is now openly avowed and defended, as necessary to the support of government. Necessary it may be, while the annual expenditure is 90 million sterling, but that is an expenditure which it is absurd in the highest degree to imagine you can maintain. However grateful to your wishes or flattering to your pride, you must at length renounce this vain idea. With all my respect for the logical acuteness of the noble lord near me, I do not think he has acted up to his own sense of the utility of definition in his explanation of paper at par, and paper under a depreciation. Neither do I agree with him, that bankers are exclusively the true judges of its real value. I consider a paper currency to be depreciated when in the transaction between man and man, less gold is given for the paper than that paper promises to pay, and that in proportion to the difference between the sum promised as to the sum thus paid, is the extent of that depreciation. The noble and learned lord has put an extreme case, equally applicable to all periods, and has said, that if gold was required to the fulfilment of all contracts, it could not possibly be procured. There never, however, was a time, and I am ready to establish the fact, when there was more or even so much gold in the country as at the present period. No difficulty is experienced in obtaining any quantity, as stated in the evidence before a Committee of the House of Commons, if the price is only offered. We were formerly accustomed to draw our supplies from foreign countries, not always well disposed to us, and sometimes in open hostility. The demand for gold, as will ever be the case, was still, notwithstanding the hazard and difficulty, more or less supplied. You have now free access to the countries which produce gold, you are the masters of the seas, you pursue the trade without the slightest interruption from any state, and the consequence is, that you both import and export in larger quantities than at any antecedent period. It is to a destructive policy alone that the evil must be attributed. It has advanced slowly, progressively increasing, like the Mississippi and South Sea schemes, and, like them, if not checked, it must end in the most extensive ruin and calamity. My lords, it has often fallen to my lot to point out the inevitable results of the issue of the asssignats in France. How little did I then imagine, that, in the description I then gave, I was but anticipating what, in the course of twenty years, would be the faithful picture of my own country! How little did I then apprehend that the established credit of Great Britain, that her flourishing finances and proud resources, would perish by the same hideous monster, appearing in all his pristine deformity!

The noble lord then commented on the pernicious tendency of the Bill, which, though declared by the noble earl who brought it forward, not to be intended to make Bank-notes a legal tender, yet went so near it as to create great risk of committing gross and flagrant injustice. The noble lord next proceeded to animadvert with great strength of argument and observation upon the danger of making paper a legal tender. His Majesty's ministers appeared now to be adopting measures which had been stigmatised by all eminent authorities upon such subjects as most injurious to a state. They had determined to issue tokens for three sterling shillings—tokens which, according to the standard value in the sterling shillings, would not be worth more than 2*s.* 4*d.* In this instance he must contend, that they were not satisfied with a depreciated paper, unless they accompanied it with a debased coin. If this measure were fit to be adopted, he should be glad to know, why the tokens were not to be issued by government for the profit of the public? He could see no good reason why the profit should go to the Bank of England, rather than to the treasury. The tokens were to be prepared in the King's mint, and under the immediate sanction of ministers, and if the nation was to take the mischief of the issue, the public was entitled to the profit.—He had thus long detained their lordships, because he felt it necessary to state explicitly his opinions upon the present measure. But he had by no means exhausted the subject; he had not even expressed all the considerations which suggested themselves to his mind upon the question. If the measure were to be persisted in, he should often have to address their lordships upon it; not that he was not perfectly aware how little useful it was to address their lordships upon such occasions; but because, feeling as he did respecting this measure, he should not think that he had performed his duty if he failed to state his sentiments fully. Whatever might be the future misfortunes of the country in consequence of these measures, he was sure that he could bear his proportion of them with the fortitude of a man conscious of having discharged his duty in endeavours to avert them: bu when he considered how particularly it had fallen under his observation on a former occasion to watch the progress and effects of similar measures in that unhappy country, France, he should be criminal not to use all the means in his power to prevent their introduction into his native land.

The Earl of *Liverpool* observed, that the question before their lordships had been argued with a view to the ulterior measures which the noble earl who brought the present measure forward had in his contemplation. For his own part, he wished, in any thing he should feel it necessary to say upon this Bill, not to be understood to give any opinion or approbation of those ulterior measures. The principle of the Bill under consideration he had certainly approved of; and when first the measure was opened to their lordships, he had declared it to be the best remedy for the evil in the contemplation of the noble mover. And this declaration he had made, founding his opinion upon the principle of the measure of 1797, that it was not desirable to extend the principle of legislation beyond the necessity of the case. He had, however, on that occasion, conceived that it might be better to let the question rest upon the law as it stood, because he was then of opinion that the example mentioned by the noble earl would not be generally followed. This opinion of his was not founded upon any impression that he had any right to inquire into the precise degree of public spirit and principle which individuals might be influenced by in the regulation of their private concerns, but because he thought it would not be for the interest of any individuals to follow that example. The interest of landlords and tenants could not be separated, and consequently any act that would bear hard upon the tenant must be injurious to the landlord himself. If the example of the noble lord were to be followed generally, the tenants would indemnify themselves by raising the prices of the articles they brought to market; but if it were not followed generally, the particular tenant would not have the means of indemnifying himself by a rise of prices, and the consequent injury he would suffer would also be felt by the landlord. Though he had at first thought, that upon the whole it would be better to leave the law as it stood, yet when he attended to the principle of the measure under consideration, and particularly to the doctrines of those who had opposed it, he began to feel that the remedy should be upheld ; that if parliament should separate before the adoption of such a measure, much public inconvenience might be the result ; and the remedy which was now easy, would perhaps then be ineffectual. If ever a question had been exhausted in the history of the proceedings of parliament, it was the present. It had not only been discussed day after day for many successive days, but a very considerable number of publications had been written by able, acute, and ingenious men upon both sides of the question. Whatever difference of opinion there might have been as to the origin of the evil, upon the propriety of binding the Bank to resume cash payments at any definite time there appeared to be very little difference. Upon a division on that question, in another place, the minority did not exceed 47. The noble baron who spoke second in the debate, had stated that Bank notes were depreciated, because they did not now purchase as much food and other necessaries as formerly, and had instanced wheat and corn. But the papers on their lordships table shewed that the rise in the price of corn was attributable to other causes. The consumption had increased considerably beyond the produce. The 400,000 quarters formerly imported were now consequently increased to 6 or 00,000. This was not owing to depreciation, as by reference to the price of iron, timber, wool, cotton, feathers, tallow, and hides, which were known to have fallen in price as gold bullion rose in the market. The measure of restriction had been resorted to in the first instance to prevent the Bank from paying in cash, and to keep the bullion in the country ; and he knew it to have been the opinion of the great man who originated the Bank restriction, that the public creditor should never be placed in a worse situation than any individual having equivalents in any other species of security. But the public creditor, if compelled to take notes at par for his dividend, whilst the tenantry would be allowed to take them at a depreciated rate, would be greatly injured. The noble baron had said, that gold enough could be had, if we were willing to pay the price for it. He knew not upon what authority this had been asserted ; but he knew that one of the most extensive and respectable merchants perhaps in the world, who was not much in the practice of giving his support to his Majesty's ministers, had decidedly stated in the House of Commons, that if he wanted guineas, he should not know how to get them. If the Bank could procure gold, it would find its way out of the country. This was owing to the unexampled state of the world, and the convulsed state of commerce. He agreed with the noble baron, that our exertions in the prosecution of the war had the effect of a drain upon the coin of the country; though he differed from him in thinking that the exertions we were making were well worth the price we paid for them. When he considered the consequences that might follow from the example pointed out by the noble mover, he thought it would be unwise to reject the Bill, as such rejection would lead to consequences highly injurious to tenants, but still more injurious to the public creditor.

The Earl of *Lauderdale* briefly explained, and referred to the evidence of Mr. Merle and another, to shew that gold might be had as heretofore.

Earl *Stanhope* rose to reply. Before he should say any thing upon the subject of the Bill, he must observe, that a noble earl had stated "that he had views of his own in bringing forward this measure," and he wished for an explanation.

The Earl of *Lauderdale* disclaimed distinctly having ever intended to say, or having ever conceived, that his noble friend could have had any views of interest in the measure.

Earl *Stanhope* expressed his satisfaction at the explanation given by his noble friend, and added, that he had not conceived it possible for his noble friend to suppose that he could have had any views of interest in bringing such a measure. But when such words struck the ear, they ought to be explained ; and he should be extremely sorry that any person who had heard the words should think them applicable to him. He had always been a speculative man, and very little given to views of self-interest. He had always thought, that the man who was in possession of a large property not gained by his own talents and industry, but derived from the mere accident of birth, was in fact but a trustee for the public; and owed it to that public, to return some part of that estate for its benefit. To shew that he could not only preach, but practise, he would say that he had never received a shilling from the public, and that thousands and thousands he had expended for the advantage of the public. He should never have said this, but that the words so satisfactorily explained had been used, and this led him to the answer to the question of his noble relative (lord Grenville) "what he meant to do with the small transactions?" In reply to this question, he had to state a fact which, he was persuaded, would give their lordships satisfaction. He had, after many years of application, at much expence, and with the assistance of the ablest artists, discovered an effectual mode of preventing the forgery of bank notes. It was a thing hitherto thought impossible, but he had discovered the means of striking off a million of plates, all of them proofs; and when he had it complete, he should give the invention gratis to the Bank for the public good. When he came down to the House, he imagined that ministers would have thrown out his Bill; but the arguments of his noble friends against it had made converts of them, a task which he could not accomplish; so he had to return them thanks, right and left.

A division then took place,

For the second reading.........36
Against it........................ 12
Majority.......................—24

The Bill was then read a second time.

Protest against the Gold Coin Bill.] The following Protest was entered upon the Journals:

"Dissentient,

"Because we think it the duty of this House to mark in the first instance with the most decided reprobation, a Bill, which in our judgment manifestly leads to the introduction of laws, imposing upon the country the compulsory circulation of a Paper Currency; a measure fraught with injustice, destructive of all confidence in the legal security of contracts, and as invariable experience has shewn, necessarily productive of the most fatal calamities:

Grenville.
Essex.
Jersey.
Grey.
Lansdowne.
Cowper.
King.
Lauderdale.

"For the reason assigned on the other side, and because the repeal of the law for suspending Bank payments in cash is in my judgment the only measure which can cure the inconveniencies already felt, and avert the yet greater calamities which are impending from the present state of the circulation of the country.

Vassall Holland."

HOUSE OF LORDS.

Thursday, July 4.

Gold Coin and Bank Note Bill.] Earl *Stanhope* moved the order of the day, for going into a Committee on this Bill.

The Marquis of *Lansdowne* said, as it was probable he might not be able to attend the future stages of the Bill, he wished to say a few words now upon this very important subject. The object of the Bill which his noble friend had proposed, though not absolutely to make the notes of the Bank of England a legal tender, yet went near to that point, inasmuch as it made it compulsory to receive them, and he trusted their lordships would pause before they sanctioned a principle, by acting upon which so much mischief had been produced in other countries, when they had no security against the recurrence of similar mischiefs in this country, flowing from the adoption of the same principles, and when they had no proof that such a measure would be beneficial here, which had only been mischievous elsewhere. He understood that the amendments to the Bill, which it was intended to propose by noble Lords on the other side, would have all the effect of making the notes of the Bank of England a legal tender. His noble friend had, he thought, on a former evening, taken an erroneous view of the subject, when he stated, that the only objection to making Bank-notes a legal tender, was the impossibility of discovering whether or not they were forged. The objection to making a paper currency a legal tender was, that there was no security against an excessive issue, and therefore no security against depreciation. If horses were made a legal tender it was known that they could not be bred beyond a certain number; if wool was made a legal tender it was known that it could not be grown beyond a certain amount, but if paper were made a legal tender, there was no limit to its issue, and no one could tell to what amount it might be issued. Where was the security to be found? they would be investing the directors of the Bank of England with a power of increasing to any amount the currency of the country, with a power which they had never enrusted to the ministers of the crown—to those who were responsible to parliament for their conduct,—but which would now be entrusted to persons who were not responsible to the legislature or to the public. Was the security to be found in the discretion of the directors of the Bank of England? Upon this point it was proved that those directors were completely at variance as to the effect produced by the issue of their paper currency, and therefore, of course, as to the amount to which it ought to be issued? Was it to be found in the interests of the directors? On the contrary, their interests were directly at variance with those of the public, they having a duty which they owed to their constituents, the body of proprietors, and which was quite incompatible with the interest of the public, as to the issue of a paper currency. If, then, they had no security either in the nature of the thing itself, or in the discretion, or the interests of those who were to be entrusted with the issue of this paper currency, how could they, upon any principle of policy, attempt to force the circulation of a currency under such circumstances, and with the example before them of other countries, in which such conduct had uniformly produced the most mischievous consequences?—He was aware that great alarm had been excited, in consequence of what had been stated by his noble friend, and which had led him to propose this measure, and he admitted that it would not be expedient for parliament to separate without adopting some measure.—But that measure ought to be, in his opinion, some recognition of those general principles upon which a safe and proper paper currency ought to rest, and not a Bill like the present, which must necessarily lead to other measures of the most destructive tendency. The good sense of the public had induced them to take the notes of the Bank of England at their nominal value, because they had the security that they might refuse them; but if once the receiving them was rendered compulsory, there was no security against unlimited depreciation. It was impossible, therefore, he could consent to the present Bill. If however it was determinned to persist in it, he should feel it his duty to propose a clause in the Committee, to limit the issue of the notes of the Bank of England to their present amount. He could not go the length of some of his noble friends, whom he highly respected, in thinking it expedient that the Bank should immediately pay in gold. He certainly thought that gold might be obtained in sufficient quantity, and that there appeared but little in the country, because owing to the extent of the paper currency, there was little demand for it. There was plenty of gold and silver in France, because nothing else was taken in payment, and therefore the demand for it was great. We had in this country great quantities of colonial produce and manufactures, that he saw no reason why we might not also obtain plenty of gold, if there was a demand for it. He did not, however, think it would be expedient suddenly to compel payment in specie. Such a sudden shock would produce injurious effects, in the immediate fall in the price of every commodity, which would be ruinous to individuals. The only safe mode would, he conceived, be to resort gradually to payments in specie, and gradually to restore the former circulating medium. He felt it, therefore, his duty to oppose this Bill going into a Committee, but if it was persisted in, he should feel it incumbent on him to move a clause to be added to it, enacting that the issue of the notes of the Bank of England should not be increased beyond the amount on the 1st of this month. This, he conceived to be at all events, absolutely necessary, as some security against the excessive issue of their notes, and their consequent unlimited depreciation.

Earl *Stanhope* contended that his Bill did not go to render it compulsory to receive Bank notes, and observed that such a proposition, and that contained in the Bill, were essentially different. Was there no difference between a man being compelled to take a Bank note, and his having the right to refuse it, merely being told, that if he did take it, and thereby acknowleged the Bank who issued it, to be solvent, he must take it at the value expressed in it. The object of his Bill was to prevent injustice. Would it not be admitted, that in the case of a mortgage upon an estate, the estate must pay the interest of the mortgage before the proprietor touched a shilling of the rent for his own use. Was not, in the case of money borrowed by the public, the whole landed property of the country pledged to the payment of the public creditor? Was it just, then, that the public creditor should be compelled, as he was to receive Bank notes in payment of his dividend at the full value expressed in them, that he should receive only 100*l.* for his 100*l.* income, whilst the landed proprietor should receive for his 100*l.* rent 120*l.*? His object in this Bill was, that they should both be placed upon a par. He denied the depreciation of which so much had been said, contending, as he had said before, that for 21*l.* in Bank notes and 20 guineas, he should have an entry made for an equal sum in a banker's-book, that he could for each demand 21*l.* in cash if he so pleased of the banker, and that therefore, a pound note and a pound sterling were equal in value. The impossibility of procuring gold to make payments rendered some measure absolutely necessary. His noble friend had spoken of the ease with which gold was to be obtained, but how was it to be procured? The quantities of colonial produce and manufactures which his noble friend had mentioned, formed the very reason why gold could not be had. If they could find their way through the barrier set up by Buonaparté, gold might be obtained. But if the balance of trade was against us, the gold must necessarily quit the country. Even if the balance of trade was in our favour, if large sums were to be sent out of the country in subsidies, or if large armies were to be supported in foreign countries, the gold must necessarily be sent out of the country for that purpose, and it would consequently become scarce. There was, however, no proof that in this scarcity of gold the Bank of England had made an excessive issue of notes. Take the gold coin in circulation to have been 25,000,000*l.* It would be difficult now to find 5 or 6,000,000*l.* in circulation. Take it at 5,000,000*l.* that 10,000,000*l.* was hid, and that 10,000,000*l.* had been sent out of the country, what had the Bank done in issuing notes to the amount of 10,000,000*l.* more than before, than merely supply the deficiency of the circulating medium occasioned by so much gold being sent out of the country? The evil did not arise from the notes of the Bank of England, but from country bank-notes. There were many country bankers, undoubtedly, who were men of large property, and of the security of whose notes there could be no doubt; but there were others who issued notes to a large amount, although they were not worth 500*l.* in the world. This was undoubtedly a serious evil. As to the conduct of his noble friend (lord King) he did not mean in the slightest degree to find fault with his motives. He could only say generally, that to landlords of large property a few pounds ought not to be an object, and that the country ought to be the first object. No consideration upon earth should induce him to oppress his tenants.—The noble earl again adverted to his scheme for making a legal tender of sums entered in bank books, and which he still contended would be the best plan that could be resorted to in order to have a sufficient legal tender in the absence of gold. The present Bill was, he contended, in the mean time shewn by every day's experience to be more and more necessary. His lordship read a letter from Manchester, where an attorney's clerk had written a letter, demanding payment of 1*l.* 2*s.* 6*d.*; the person written to tendered a 1*l.* note, and 2*s.* 6*d.* in silver, but refused to pay 3*s.* 6*d.* which was demanded for the letter. The clerk then refused to take the Bank note, and the person went back for a guinea; in the mean time the clerk took out a process in the Salcoat's court, a court for the recovery of small debts, and then demanded 1*l.* 9*s.* 6*d.* To prevent such petty advantages as this, the Bill was rendered necessary. The latter went on to state, that guineas were bought at Manchester, at the rate of 20 per cent. advance, by persons from Ireland, for the purpose of paying their landlords, who insisted upon gold. He understood that it was the intention of a noble earl (Rosse) to move to extend this Bill to Ireland, to which he had no objection. As to the amendments intended to be proposed by the noble lords on the other side, they might render the Bill more technical, but they would not be so well understood by the common people as the Bill would be as it originally stood. He should, however, take no part in them. He was proud in being the father of the Bill, but having delivered it over to the nursery, he should leave the noble lords on the other side to nurse it as they pleased.

Earl *Grey* had no intention, when he entered the House, of troubling their lordships with a word upon the subject. He could not, however, avoid taking notice of some observations which had just been made by his noble friend. A new system had, it seemed, now been introduced, under which noble lords, members of that House, were to be called upon, not only to answer for their public conduct, but for their private conduct, for conduct which they, in their private concerns, had deemed it necessary to adopt, under the sanction and authority of the law of the land, n order that they might secure to themselves the real value of their property. He depreciated the clamour which it was attempted to raise against landlords, who resorted to the means which the law placed n their hands of securing themselves against the loss which they must otherwise sustain from a depreciated paper currency. He was sure that his noble friend (lord King) never had it in his intention to oppress his tenants, nor could such a charge be with the least fairness made against him or others, who merely sought, by the means which the law gave them, to receive the fair value of their property. The present Bill was only the precursor of other measures the most mischievous to the country. They could not stop here: If once they adopted this measure, it must be followed by others the most destructive to the vital interests of the country.—His noble friend who spoke last had, in order to shew that there was no depreciation, given a most whimsical definition of a pound sterling, that is to say, what a banker chose to write in his book as a pound sterling, that is to say, what a banker chose to write as a pound sterling in his book. The noble lord must surely be aware, that a pound sterling was so much of lawful money of Great Britain, in the current coin of the country, of a requisite weight and fineness. The law had wisely provided this, in order to guard the subject against a depreciated standard; and were they now to be told that a pound sterling and a depreciated note were of equal value? He should be ashamed to waste their lordships' time in proving that which was so clear, namely, that the notes of the Bank of England were depreciated. It was clear that compared with the price of gold they were depreciated; but they were told on a former evening that the fall in the price of sugar, hides, and other articles, proved that there was no depreciation. Let them, however, look to articles of daily and weekly expence, and then say whether the extreme rise in the price of those articles did not clearly prove the depreciation of the paper currency? The noble lord had urged the justice of placing the public creditor and the tenantry of the country upon a par. What, however, was this but saying, that however depreciated the state of the paper in which the public creditor received payment, the proprietor of land must be placed in the same situation? It was not an act of justice to the public creditor, but of injustice to the landholder. The latter, in endeavouring to receive the fair value of his property secure from the effects of a depreciated currency, was acting fairly and legally. Suppose the paper to be depreciated 80 or 90 instead of 20 or 30 per cent. was the landholder to submit to be stripped of the greater part of the value of his property by this depreciation? It was therefore, with respect to him, only a question of degree as to the point at which he would no longer submit to the depreciated rate. But in what a situation would the noble lord place the landholder? because the stockholder should happen to be compelled to receive his dividend in a currency depreciated 80 or 90 per cent. he would reduce the landholder to the same situation, and compel him also to surrender the greater part of his income, by receiving his rents in the depreciated currency. Where was the justice of this? If paper was so depreciated, that 100*l.* nominal value would only buy a leg of mutton, the noble lord would compel the landholder to receive payment in the same currency, and thus reduce the value of his property to nearly nothing. The injustice of such a measure was too glaring to require any argument, and bad as the measure was in itself, it was still worse, with a view to the consequences to which it must lead.—The consequence of this proceeding must be, that the Bank notes would become a legal tender, and then this country would be subjected to the greatest evils experienced by the French government in the time of the Assignats. We were told that we were engaged in the contest to prevent such evils; and yet, strange to tell, we were ourselves now called upon to plunge into this very system, formerly represented, and justly represented, as so pregnant with injustice and calamity. If this Bill passed, the notes must be made a legal tender; they would then have a forced circulation, with all the calamities which experience proved to be dependant upon it. As to the prevention of forgery, and the other advantages ascribed to this Bill, he believed all this would make but little difference in the effect of the measure. It had been said that the legal tender had been in contemplation at the time the restriction was imposed in 1797. He had been present at the debates on that occasion, and certainly, as far as he could form any conclusion from the speeches then delivered, nobody was more decidedly hostile to the principle of the assignats than Mr. Pitt was. Adverting to the conduct of ministers, he said that he never saw men in office so utterly unable to form an estimate of the difficulty; so utterly undecided and ignorant as to the proper means of overcoming it. The noble lord on the opposite bench, who had first spoken on the subject, gave no opinion at all, but contented himself with stating that he would not vote for the rejection of the measure! While the debate was going on, a family council was held, and the result was, that the noble Secretary of State declared he would support that which three days before he had considered as unnecessary, and therefore ought to be rejected. Did ever ministry exhibit such indecision and pusillanimity, such fatality and total unfitness for their situation, such contemptible policy, if policy it might be called? But if their lordships valued the prosperity of the country; if they wished to escape safe out of the contest of which there appeared little prospect of a speedy termination, they must oppose this motion. Much more might be said on this subject, but he would conclude by observing, that he was convinced in his own mind, that if this measure was carried into execution there would be no end to the depreciation—no further security for the property of this country.

Earl *Stanhope*, in explanation, said, that there was no such thing in this country as a measure founded on a quantity of bullion of standard fineness. The legal coin was the money with the stamp upon it. The stamp was what made it the lawful coin, not to be melted nor transported, and not the weight and fineness. He did not know what mathematicians he had to deal with, but if Bank notes and gold bore a fixed proportionable ratio to the pound sterling, by law, they were equal to one another; and to prove this, he need go no farther than the first book of Euclid, where it was laid down as an axiom, that things equal to the same are equal to one another. As to a compulsory tender, if one tender was gone another must be substituted.

Earl *Grey*, in allusion to the observation, that the noble lord did not know what mathematicians he had to deal with, replied, that he could not conceive a standard without length, breadth or thickness.

The Earl of *Westmoreland*, in defence of ministers, said that this subject had not been introduced by them. They were at first averse to the Bill, because they saw no necessity for it, but if it was found that there really was an evil to remedy, they must remedy it. The noble lord who had given the notice to his tenants, it was said, had been hardly used, and his patriotism and great merits had been extolled; but when it was found that patriotism and private interest were so closely linked together, ministers naturally began to think that there might possibly be a great many patriots; that many might take up the principle, and while they demanded their rents in specie, or in paper 10 or 20 per cent. below par, would have no scruple in paying their debts with this paper at par. When this cry of patriotism was raised, no one could say how far it might lead; no one could tell how far those who partook of the noble lord's sentiments might be disposed to follow his example. As the noble lord had not given this notice till near the prorogation, it became ministers to consider what effect such patriotism might have during the recess—it became them, as far as they could, to prevent the oppression of tenants by such patriotic landlords.—The noble earl then proceeded to argue against the existence of the depreciation. For every legal purpose Bank notes still retained their relative value to gold. Gold in coin and Bank notes had a relative value fixed by law, and this could not be altered without violating the law, by melting and exporting the coin. The melting and exporting of coin was illegal, and therefore by law and for every legal purpose, there was no depreciation. The noble lord on the other side had said, that the dearness of all commodities was a proof of depreciation; but the rise in price, he maintained, might be accounted for on the ordinary principle of supply and demand. Colonial produce, and goods the produce of this country, which could not find their way to a foreign country, were cheap, while timber and other things, which from the present state of the continent could not be easily procured, were dear. Timber and cotton had risen 30 or 40 per cent. according to the state of the demand, a thing not to be accounted for from this magic operation of a depreciated paper. But the cause of this depreciation, they said, was the excess of the circulation. He denied that there was any such excess.

e presumed the Bank was allowed as lvent, and if it was, how could a few illions more or less make any difference, onsidering the immense quantity of bu- ness done in this country? The whole mount of the Bank of England notes was nly 23,000,000. Now 5,000,000 per ay passed through one house, in this city, nd let any one look at the circulation in roportion that must take place in the ountry, and say, whether the amount of otes was too large. Ten millions per day assed in this country, 60 millions per eek; 3,000 millions per annum! The whole of the notes must change hands in e course of three days business. What gnified, then, a few millions more or ess in the circulation. It was said that we expended 90 millions annually; then e whole circulating paper of the Bank would be received at the Exchequer three r four times in the year! But he might e asked why, if there was no deprecia- ion, he supported this measure. He ould only say, that he supported it on he same ground as his noble friend the Secretary of State, lest the example of he noble lord should have a bad effect, or such a proceeding might occasion de- reciation where it did not exist before. As to the fatuity of ministers, he had long een accustomed to such language. But when the noble lord prophecied the great mischief that would result from their pro- eedings, he trusted, that if he found him- elf mistaken, he would do himself the credit to confess his error, as he had done n regard to transactions in other countries. The expectation held out was the removal of the restriction by their great talents; but he was convinced that without that restriction the country could not have sustained the exertions it had made.

The Earl of *Lauderdale* was anxious to see how the Bill could be amended in the Committee, but he could conceive no amendment that would make it a proper measure. That proposed by his noble friend was plausible, but he was satisfied it would have no extensively good effect. The restriction of the Bank of England issues might not prevent the excessive issues of paper by private banks, and the evil might still go on increasing. There was, he believed, no remedy but payments in cash. As to the assertion, that those who thought with him were theorists, and that the opinions of practical men were against them, he had to observe, that their opinions were to be estimated by the circumstances under which they were given. Before the restriction, Mr. Giles, the late Bank director, and other eminent practical men, were clearly convinced of the necessity of cash payments; but when it became the interest of practical men to hold a contrary opinion, they changed accordingly.—His lordship proceeded to state, that when the measure of Bank restriction was first agreed to, all men joined in regretting it. He was surprised, however, to observe, the ministers of the present day did not concur with Mr. Pitt in regarding this as calamitous in an extreme degree, but as a circumstance which had enabled the country to make the exertions she had made. If so, would it not be considered as an argument equally strong, that if the issues of Bank paper were continued in an increased degree, the country would thereby be enabled to make still greater exertions? Noble lords on the other side considered this to be the system on which the salvation of the country mainly depended. There were persons among the administration, whose opinions on this subject he was particularly anxious to hear. The opinion of the noble secretary for foreign affairs, for instance, (marquis Wellesley), who, on a former occasion, in such glowing colours, contrasted the compulsory state of the paper currency of France with the unrestrained currency of this country, he was extremely desirous of hearing, hoping that the extreme difference between the two measures would be made apparent. He had also been given to understand, that the idea that Bank-notes should be convertible into money was the offspring of barbarous times. He was anxious to know how this could be made out; and he was therefore desirous that ministers should have an opportunity of bringing out the present Bill in the most perfect way they could devise. He conceived this to be a most important measure. When originally proposed by his noble friend, ministers were pleased to represent it as one wholly unnecessary, and it was only from what had followed, coming from the side of the House on which he sat, that ministers had thought the measure either necessary, or at all worthy of their support. What opinion was this holding out to the country of themselves? Was it not to say, "We have no opinion as to what is good or bad for the country, and can form it only from what you say on the subject." That the country should, at such a moment as the present, be reduced to such a state from the want of all mind in its ministers, he could not consider but as truly deplorable. That ministers should now support a measure which they deemed wholly unnecessary, merely because it met with the disapprobation of those who were in general opposed to them, he confessed himself utterly at a loss to reconcile to any principle either of utility or of sound policy. He was decidedly of opinion, from what he could collect from the experience of every other part of the globe, that the only remedy which remained was the restoring of payments in cash. He hoped, therefore, that ministers would ponder before they gave effect to a measure which, as had already been found in France, could not be resorted to without the danger of ruin. If they persevered in the present measure, he should esteem himself called on to resist it more than any other which could be devised, conceiving it to be most pregnant with mischief.

The Earl of *Rosse*, alluding to what had fallen from the noble earl on a former night, said, if the notes of the Bank of England were depreciated, and those of the Bank of Scotland were not, how did it happen that the rate of exchange was not turned against England, which was not the case? It was agreed, that if the notes of the Bank of England alone were taken into consideration, there was no depreciation; and that the depreciation only arose from the country Bank-notes. It was, therefore, at any time in the power of the House to apply a remedy, by limiting the issue of country Bank-notes. Supposing, therefore, that the Bank-restriction act had never taken place, the country might still have been in the same situation from the excess of country Bank-notes.

The Earl of *Lauderdale* rose to put himself right with the House. He contended that he was accurate as to what he had said relative to Scotland, and that there the Banks were liable to pay in specie, in the same manner as they were previous to the year 1797. So much as to matter of fact, there being no clause in the Bank Restriction Bill, which could be construed to extend to the Bank of Scotland. As to the question, how it was to be accounted for, that no depreciation of the rate of exchange had thus been produced against England, he could only suppose this to have proceeded from the circumstance, that no landlord had made a demand of payment in gold till this year. He himself had long seen that it was i the power of any man, if he chose it, t make all the Banks in Scotland stop payment. He had known 500 guineas received in due payment, from a Bank i Scotland, within a short period.

The House then went into a Committe when the original clauses in the Bill wen agreed to, with some technical amendments.

The Earl of *Liverpool* said he was satisfied that in framing the act of the yea 1797, an omission had occurred, purel from inadvertency, in the clause protectin persons from arrest where a tender of th debt was made in notes of the Bank of England. He had no doubt it was fully mean that this should extend to distresses for ren also. As the law now stood, though n arrest could take place where a tender o the debt was made in bank-notes, still th party might refuse to accept of it, an might proceed in his action. This h meant now to extend to cases of distres for rent; and to provide that, though i such circumstances, the summary proces must stop where a tender in bank-note was made, still the landlord might go o with his legal remedy, if he chose it, til he should see how far that would avai him.—The clause being put, was agree to.

The Marquis of *Lansdowne* thought tha some limit should be put to the issues o paper by the Bank. He therefore proposed a clause, limiting the future issue of the Bank to the sum to which they should be found to amount on the 1st o July 1811.

The Earl of *Liverpool* saw no evidenc of any excessive issue, and thought tha to specify a limit might produce inconvenience. The issues of the Bank had bee encreased last year, in consequence of the failures of a number of country Banks; when the evils thereby felt, however, were done away, the issues of the Bank were reduced, and in February of the present year were under their necessary amount. To make the extent of the present issue, therefore, a criterion from which to judge of what might be the proper amount, woul be by no means expedient. For the purpose of guarding the public, however, as much as possible, he should propose a clause, limiting the endurance of the present Bill to the 25th March, 1812, so that, if it was renewed, it might at an early period become the subject of parliamentary inquiry.

Earl *Stanhope* submitted that some limit hould be put, even though it should exnd to one, two, or three millions beyond e present amount.

Lord *Holland* conceived that the clause hould at least be introduced into the Bill, allow the House to judge of it as well of the other provisions of the Bill, when should be printed in its amended state.

The Earl of *Liverpool* said, he should ove that the Bill be recommitted, that it e printed as amended, and that a day be hen appointed for taking it into considera- on.

Lord *Holland* still submitted that this lause was as well entitled to full consieration as any other clause that might be ntroduced into the Bill could be.—The uestion on this clause was then put and egatived.

The Earl of *Liverpool* moved a clause, miting the endurance of the Bill to the 5th of March 1812, which was agreed to, nd the report ordered to be received tomorrow.

HOUSE OF LORDS.

Friday, July 5.

Gold Coin and Bank Note Bill.] ord *Walsingham* presented the report of his Bill, and their lordships proceeded to ake the amendments into consideration.

The Earl of *Liverpool* said he had a few dditional amendments to propose, but hese were chiefly of a verbal nature. His ordship then proposed the same to different parts of the Bill.

Earl *Stanhope* said he should not object o the amendments now proposed by the oble secretary, some of which he pereived to be necessary. But he wished to tand absolved, in the eyes of the House, r of the public, from being the cause of ny ill or mischievous consequences that might arise from the great alterations which had been made in the Bill since he had the honour to propose it. The Bill which he proposed in the first instance was so clear and plain, that every juryman in the country could understand it. He acknowledged himself the father, as he had said before, of the Bill, but since the noble earl and his learned friends had undertaken the nursing of it, it was so altered, that although lawyers might understand it, few urymen he believed could. He conjured noble lords to consider that this was a legisive measure, which, of all others, required o be clear and plain, considering its objects; and it was one also which ought, as far as possible, to obviate the misconstruction of lawyers.

The *Lord Chancellor* observed, that his noble friend need not be apprehensive from the amendments which had been made to the Bill, that it was rendered obscure or unintelligible; it was such as no juryman in the country could misunderstand. He could not however avoid remarking, with respect to the noble father of the Bill, that though he had committed it to the nursery of himself and his friends, he was very fond of attending in order to rock the cradle. To this he had no objection, and he trusted that with the care taken in the nursing of the Bill, it would be rendered an efficient and salutary production. As to guarding this or any other Bill from the misconstruction of lawyers, he believed it would be found impracticable to do it, where they were so inclined.

The Earl of *Liverpool* suggested the propriety of introducing a short clause for preventing the operation of the present Bill from extending to Ireland; as from the different customs which prevailed in that country, in these respects, its application might lead to considerable inconveniences.

The Earl of *Rosse* acquiesced in the propriety of what had fallen from the noble Secretary of State, and was of opinion, that from the different modes and intervals of paying the rents, no serious inconveniences were to be apprehended in Ireland, in the interval between this and the probable period of the next meeting of parliament.

The clause was then added to the Bill, which, with the amendments, was ordered to be printed, and to be read a third time on Monday.

HOUSE OF LORDS.

Monday, July 8.

Marshalsea Prison.] Lord *Holland* adverted to the Report of the Committee respecting the case of an individual who died some time since in the Marshalsea prison, and observed, that in his opinion the evidence bore out the verdict of the coroner's jury. He did not mean in this case to throw blame on any person in particular, and understanding that a new prison was in forwardness, under the direction of the lord Steward, he had refrained from calling their lordships' attention to the subject. He must, however, be allowed to mention two or three circumstances respecting the management of the prison; the hardships arising from which to the poor prisoner, would, he trusted, be corrected. In the first place, the prison was altogether insufficient for the proper accommodation of the prisoners; in the next place, 14 days must elapse before the poor prisoner who was unable to support himself, could go through the necessary forms to obtain sustenance from the prison; and lastly, the prisoners of this description were not allowed a certain ration of food, but a certain quantity, and no more, was allowed for the whole, and if the number was large, the individuals could obtain but a scanty supply. If these grievances were not remedied he should feel it his duty to bring the subject before their lordships.

GOLD COIN AND BANK NOTE BILL.] On the order of the day being read for the third reading of this Bill;

Earl *Grosvenor* thought it incumbent on him to say a few words in opposition to it, conceiving it, as he did, a Bill pregnant with the most prejudicial consequences to the country. Having been obliged to quit the House on Tuesday from indisposition, after hearing one of the cabinet ministers oppose the Bill as unnecessary, he was much astonished to learn the next morning that the ministers had determined to support the Bill, and, had he not been prevented by indisposition, he should have felt it his duty to have attended on Wednesday to sign the Protest against it. He now felt it his duty most solemnly to protest against the Bill, which he conceived must lead to the very worst consequences, in making in effect, though not technically, Bank notes a legal tender, and in fixing a maximum for gold, that it should not be received or paid at above a certain rate; and a minimum for Bank notes, that they should not be received or paid at below a certain rate. In the adoption of these principles, of a forced circulation of paper currency, and a maximum and a minimum, he conceived there was the greatest danger to the opulence and the permanent interests of the country. He saw no effectual remedy for the existing state of things, but the repeal of the Bank Restriction act, and thought it might not be expedient to carry such a measure into effect immediately, still no time ought to be lost in bringing it about. He regretted that a noble viscount (Sidmouth) was no now present, in whose administration during the period of the peace of Amiens the Bank directors came to him with tears in their eyes, (whether sincere or hypocritical it was impossible now to say) praying that the restriction might be taken off, and that they might be again allowed to pay in cash. That was then refused. The Bank directors had since materially altered their opinion, and were now most solicitous that the restriction should not be taken off. He could not, however, forgive them for not making their arrangements, which would facilitate their paying in specie whenever it should be thought expedient to resort to that measure—a measure which he conceived to be the only effectual remedy for that state of things which it was sought to palliate by the present Bill.—After a short pause,

Lord *King* expressed his astonishment that no noble lord on the other side should have risen to attempt to justify or explain the clauses which had from that side of the House been introduced into the Bill, and which so peculiarly called for explanation from those who proposed or supported them. Under these circumstances, he felt it his duty to make a few observations upon the Bill, as it now stood, and which he considered as wholly nugatory with respect to the object it professed to have in view, whilst at the same time it threw still greater difficulties in the way of the adjustment of contracts between landlord and tenant. There must now be two operations instead of one. As the law stood, the tenant might satisfy the contract by paying the Bank note at its real value. That being rendered impossible by this Bill, the tenant must take a certain portion of his produce to market, and sell it at a lower rate, for the purpose of procuring gold to satisfy his landlord. If those who now urged forward this Bill thought they could thereby retard the depreciation of Bank notes, or prevent there being two prices, one in paper and the other in gold, they were miserably mistaken. Already there were in fact two prices, a gold and a paper price, and to that the system must come. He had listened with much attention to the arguments of ministers upon this subject, and they really amounted to nothing more than this—"The Bank of England have issued a piece of paper, which they call a one pound note. We (the Treasury) agree to take it as a one pound note, therefore it is a one pound note, and equal to a pound sterling." Was it to be believed that this could keep up Bank notes at a nominal value, depreciated as they undoubtedly were, compared with the price of gold. The noble Secretary of State had said on a former day, that the Bill was necessary for the protection of the tenantry—an observation which convinced him (lord King) of the ignorance of the noble lord upon the subject. How could the interests of the tenantry be protected, if protection was not given generally to the agricultural interests of the country, and how were the agricultural interests of the country to be protected, when, by this Bill, additional difficulties were thrown in the way of the adjustment of contracts between landlord and tenant, and those contracts were interfered with in a way most injurious to the interests of both: The only consequence must be, that landlords would refuse to grant leases to their tenants, for the performance of the conditions of which they could have no security. Their lordships were, in short, utterly wasting their time in the consideration of this Bill. It could by no possibility do good, nor could it achieve the object which it professed to have in view. They must either repeal the Bank Restriction, or they must have two prices, a gold and a paper price. This it would be impossible by the Bill, or any such measure, to prevent. An instance had been stated relative to this subject, in which a person went to purchase 3 per cent. consols, he was told that they were at 64 or 65; his answer was, that he came with 1,000 guineas in his pocket. That immediately altered the case, and he was told that he might buy with gold at a much lower price. This must necessarily be the case with respect to every commodity unless they returned to payments in specie. It was in vain for their lordships to pass this Bill; it could not effect the object those who had adopted it professed to have in view, it could not retard the depreciation of Bank notes, nor could it prevent the two prices in gold and paper, the natural effect of that depreciation.

The *Lord Chancellor* felt it his duty to state the impression upon his mind with respect to this Bill. At the period of 1797, when the restriction on the Bank of England was first proposed, he was an humble adviser of the government; and if a noble lord near him would condescend to recollect his opinions upon that occasion, that noble lord must recollect that he was then trembling with doubts as to the effect of interfering with the contracts between man and man. He did not recollect how far the opinion of that noble lord went upon that occasion; but he was certain that he (the Lord Chancellor) had then more doubts upon the subject than some of the ministers. That act having interfered with the contracts with individuals, so far as to say that the debtor should not be arrested, if he tendered the debt in bank-notes, was it now to be said that a tenant should have his goods or stock seized, because he could not procure gold, which was not to be obtained? It had been said that the tenant was bound to pay in good and lawful money of the realm, but so was every man who owed money upon any account whatever, unless there were special conditions to the contrary covenanted between the parties. What was the case between the obligor and obligee—in a bond between the holder of a bill of exchange and the acceptor, did not the same circumstances equally apply? was not the obligation of payment equally the same? When therefore the landlord had left to him his action of debt, his action of covenant, and his action of ejectment, if he did not chuse to take bank-notes, was it too much to say that he should be prevented from seizing the goods or stock of his tenant, merely because he did not chuse to take the Bank notes in payment which his tenant had tendered? This Bill was not compulsory on the landlord to take bank notes from his tenant in payment of rent. It merely said this, as the legislature in 1797 had said with respect to creditors generally, that he should not seize the goods or stock of his tenant, where the rent had been tendered in bank-notes. The legislature, whilst it did not compel the creditor to accept bank-notes in payment of his debt, had prohibited him from arresting the person of his debtor where the amount of the debt had been tendered in Bank notes. If the landlord persevered in bringing his action, because he did not chuse to take bank notes, the tenant would be justified in resorting to every legal mode of fighting out his landlord upon the question, and bringing his writ of error to have the question solemnly determined. What, however, would the landlord get by this offer? Every legal proceeding having been exhausted on the part of him and his tenant, he would find at last that he must take those very bank notes which his tenant had originally tendered to him. Was it then too much to say, that the landlord should not have the power of distraining upon his tenant, merely because the former chose to demand gold, which it was impossible for the latter to procure? Suppose the landlord of his house in Bedford-square chose to demand his 300*l.* rent in gold, which it was impossible for him (the Lord Chancellor) to procure, was he to be prevented from going to the court of Chancery to give judgment in a cause, because his books had been seized upon, which he had been continually accumulating, that he might obtain information for the purpose of doing justice between party and party, and all this merely because it was impossible for him to procure the gold which his landlord had chosen to demand? Those who objected to this Bill must be prepared to go the full length of saying that they were ready to repeal immediately the act of 1797, for otherwise they could not, in any fairness, object to a Bill which grew out of the transaction, in 1797. But what, in that case, was to be substituted? that the noble lord declined to state, like the noble lord near him respecting the Catholic question, who would not tell him what securities he proposed to establish, if the Catholic claims were granted, but merely said to him, "You differed in sentiment on the subject with Mr. Pitt, and therefore I cannot tell you." To return, however, to the subject, it was impossible to agree in the expediency of the enactment of 1797, preventing a debtor from being arrested who had tendered his debt in Bank-notes, and not to acknowledge the justice of the present Bill in placing the tenant in the same situation with respect to his goods and stock where he had tendered his rent in Bank-notes. The Bill was, besides, rendered necessary, in order to prevent individuals from depreciating the notes of the Bank of England at their pleasure. It was still the more rendered necessary, by the decision which the judges had been persuaded to come to in the case of De Yonge. [Some observation was made, by lord Grenville, on the expresion "persuaded to come to."] In using the expression "persuaded to come to," the first that occurred to his mind, he should be ashamed of setting his foot again into that House if he could be supposed for a moment to have insinuated that the judges were actuated by any improper motive; all that he meant was, that they had arguments at length upon the question, and after much discussion had come to that decision. The Bill was again rendered necessary to prevent other landlords from taking a most undue and unfair advantage of their tenants. The noble lord (King), of whom he wished to speak with every respect, had in his notices to his tenants certainly acted equitably upon the principles he had adopted in his own mind, by making a difference in his demands according to the different dates of his contracts with his tenants. But, how many landlords were there who would pay no attention to this distinction? And who could say, "I do not care about the price of gold at this or that period; if my lord King can get gold from his tenants, I can do the same at the full rate at which it can be obtained." He would put another case, to shew the necessity of the Bill, that of a young professional man, for instance, struggling with the world, who had a rent of 90*l.* per annum to pay, and had 3,000*l.* 3 per cent. Consols. His lordship demanded his rent in gold, but the Bank refused to pay him his dividend in gold. Would not this be a grievous injustice? An individual so circumstanced might justly say—"As a public creditor, I am refused any other payment than in Bank-notes; but here is a legislator, one of those by whose act I am so refused to be paid, except in Bank-notes, insists upon my paying him his rent in gold, which I cannot procure, and because I cannot procure it, my goods are to be distrained." Would not such cases as these be a grievous oppression? He was peculiarly situated with respect to this question, having in his situation the official care of 25 millions of the property of his Majesty's subjects, and without the means of enforcing the payment of any part of that sum except in Bank-notes. He repeated, that so long as it was deemed expedient to continue the measure of 1797, this Bill must become a part of it, otherwise there would be no equality in the situation of contracting parties equally entitled to protection, nor would equal justice be dealt out to those who had equal claims to it, for there could be no justice in leaving the tenant who had tendered Bank-notes, exposed to be distrained upon by his landlord, whilst the debtor in other cases who had tendered Bank-notes, was exempted from arrest. To those who called for the repeal of the act of 1797, he would say that that system ought not to be destroyed to which we were so materially indebted for those exertions which had so largely contributed to the welfare, the prosperity, and the glory of the country. He did not profess to understand the subject, but of this he was firmly convinced, that if this Bill did not pass, the act of 1797 remaining in force, that equal justice would not be done, nor would that mode of relief to which all were equally entitled, be fairly and impartially dealt out to all his Majesty's subjects. The Bill was therefore absolutely necessary, in order that all having the same claims of justice might be placed upon the same footing of equality by the legislature.

Lord *Grenville* would not follow the noble and learned lord in his observations on the Catholic question, but would come immediately to the subject before their lordships. The noble and learned lord had most grievously disappointed him in the hope which he cherished—most confidently cherished, from some observations in the outset of his speech; that he would have distinctly stated what would be the effect of this Bill. But, after listening with the utmost attention, he still remained on that point in the most complete and total ignorance. The noble and learned lord told what every one knew, that landlords had various remedies against tenants for the recovery of their rents; that they might proceed by the different modes of distress, ejectment, action of covenant, or debt. From the language of this Bill, he presumed it took away the remedy of distress. Now, what he wanted to know distinctly from the noble and learned lord, was, in what situation the landlord would stand with regard to his tenant, when this Bill should have obtained the sanction of the legislature? Would they still retain the remedy by ejectment, and action of debt and covenant? The noble and learned lord has not told us, continued lord Grenville, how they will stand in this respect, though, as I understand it, they are still to retain these remedies—but a more alarming view of the subject than that taken by the noble and learned lord, I never before heard in any discussion upon any question. Recollect, my Lords, the effect will not stop with the landlord and tenant; it will pervade every contract, every transaction of exchange in this commercial country; and, astonishing and painful as it was to me to hear the speech of the noble and learned lord, I am glad that he has relieved the question from the invidious aspersions with which it has been connected —that he has admitted it to be one affecting not any particular class, but every description of persons in this great trading country. But, the argument of the noble and learned lord is this—that the system was established long ago, and that this Bill is necessary to support it. What then, according to his own description, will be its effect? He has adverted to all the enormities, to all the horrors which such a system is calculated to produce—and what is the conclusion? What must every one have expected to follow? Surely that the system ought to be abandoned. That, however, is not the noble and learned lord's conclusion. No; but because it is destructive of every fair reciprocity in transactions between man and man—because its continuance is inconsistent with any thing like justice, in matters of contract, commercial or agricultural—because it is ruinous to the public creditor —because it completely overturns the radical and fundamental principles of exchange, and agreements of every description—you are to aggravate and extend the existing evil by making it impossible for one man—nay for one transaction, to pass, without feeling its effects. —I beg your lordships to attend to the picture which has been presented to you, of the consequences with regard to men in indigent circumstances; the noble and learned lord has, indeed, rather drawn his illustration from men in middling circumstances, and he asks whether, when he brings his commodities to market and can only get bank notes, he is to be driven from his house because the landlord chuses to be paid in gold. But, my Lords, if we are to argue upon the admission that the evil exists, I desire to ask, where is this to stop? If the man of middling circumstances is to be driven from his house because he cannot get gold, how will it be when a further depreciation takes place, and when the same destruction overwhelms the poorest masses of the community? When they will not only want a house, but the bread necessary to sustain existence? Is the noble and learned lord ignorant that the labourer is in many cases by law confined to a particular spot? Here, he may say, I am compelled by your laws, to remain, and yet, by these laws the depreciation of bank notes in which alone I am paid, is such that I cannot procure the bread necessary to sustain life from day to day! My lords, I am putting no speculative case. Is he so little acquainted with what took place in France? Does he not know that the fatal law of maximum was produced there by the very argument which he now uses, that it was acted upon for the very reasons which he now urges in support of this Bill? And yet, he, who lived at the time this transaction was passing—he who saw the dreadful consequences exemplified before his eyes, even he advises a similar proceeding, and supports his advice upon similar arguments and principles? I therefore, my Lords, take up the argument in a view directly opposite to his; and, if he has the charge of 25 millions of the property of his Majesty's subjects, and if the country is brought into such a situation that he is unable to guard against a loss of five millions upon that sum, a loss of full 20 per cent. I conjure your lordships to pause now at length, since you have not done it before, when he lays before you not only what will be the effect of a continuation of the system, but what has been the consequences of your persevering in it up to this time.

But the noble and learned lord tells us, that the system must go on because it was established in 1797. Now, I should like to know what was enacted in 1797. I always thought I knew till this night; till I heard his speech this night, I never thought there had been any doubt then whether or not bank notes should be made a legal tender. He says that he was adverse to the making bank-notes a legal tender, and that he would not enquire what had been the opinions of others on that point.—I understand the insinuation, my Lords, and I will tell him what was my opinion.—I was decidedly against making bank notes a legal tender. I and others were anxious that they should not be made a legal tender by any shift, means, contrivance, or upon any pretence whatever. I wish he had spoken out, and told us what he conceives the law to have done. I conceived, and I thought till this night that every man in the country could have no doubt about it; that in 1797 the law took away the power of arresting the person previous to the suit and that only; but that every other legal remedy remained in the same full force and effect as before. There is not the least pretence that the law then made a distinction between landlords and other persons. They all, with the exception abov stated, had their full remedy as before th act. Such was the law, as I understoo it, if it is otherwise, it is high time that w should understand what it is. Your lordships cannot be ignorant what a shock ha been already given to public confidenc and credit, by this Bill and by the speeche of the ministers; but that has been littl compared with the effects that must b produced by the speech of the noble an learned lord this night unless I misunderstood him. No triumph in debate, no any other triumph over the noble and learned lord, would give me half the pleasure, as to hear him distinctly state, that the law with respect to the legal tender stands now as it did in the year 1797, except as to the arrest previous to the action. Instead of that, you heard him say something about giving relief in equity. I should be sorry to ask him to go any great length in giving his opinion here extrajudicially; and indeed I think he has gone far enough already; but I hope nothing has as yet been done to make the law different from what it was intended in 1797 it should be. Now, my Lords, with respect to the proceeding of 1797, it was considered as a temporary and necessary act, and therefore an act of wisdom; and I think the noble and learned lord laid down the distinction accurately, that there ought to be no interference with private contracts, except in cases of necessity. Necessity then required the suspension, as I believed, and painful as it was to have recourse to that measure, still it was justified by the necessity, but by that only. I am satisfied, therefore, that the original suspension was wise, but I do not entertain the same satisfaction at the recollection that the act was continued. I have often said, that on reflection I was long since satisfied that there was no necessity for continuing the suspension till the end of the then existing war, and of course, that the continuation was improper. I deeply regret, my Lords, that it took place, and therefore I protest against any inference being drawn from that circumstance. Noble lords argue upon a complete fallacy, upon a total misrepresentation, when they describe the situation of the country as resting upon the act of 1797. That measure extended the suspension no further than the conclusion of the then existing war. But it was continued when the necessity had ceased—when I, standing almost alone, most earnestly opposed the measures that were then pursued; and in no part of my public conduct do I exult more than in that opposition. Every shadow of necessity had vanished: the country was in a situation in point of public credit, of finance, of currency, of the rate of exchange, that no longer required any regulation of this kind; the price of bullion, and, in short, every thing that any man had ever conceived as affecting this question, became so favourable, that it was not only advantageous, but perfectly easy to have put an end to the restriction. The act was continued first for a short time, and at last till the end of the war. When the present war broke out, was likewise continued till the end of this war; but upon no argument that would not equally apply in the case of any war whatever; and thus, in addition to the hardships and burthens to which war necessarily subjects the country, it is to be always exposed to the additional misfortune of being enfeebled in the means by which the war must be carried on. There was not a shadow of pretence for continuing the restriction at that period. My noble friend said, that the bank directors came to the ministers, beseeching them to remove the suspension. I give them credit for their conduct, I give them credit for foreseeing, not only the injury to themselves, but the mischief which the restriction must occasion to the country, if continued during the whole course of the war.

There is another small observation not to be passed over; when the system is defended on the ground of the act of 1797, let noble lords consider the difference in the situation of the country. When the restriction was imposed in 1797, it was done in the firm belief that there was in reality no difference between paper and gold; and on that ground it was argued. On the same ground the continuance of it was proposed. The value of paper was equal to that of gold during no inconsiderable part of the present war, and so it might have continued even to this hour, notwithstanding the suspension, had it not been for the system of devouring waste, which it was the glory of ministers to have produced. To all the other hardships of the war, this was added, that we had ministers who made a boast of their devouring waste and boundless profusion. This was the foundation of the present system; and when they ask, Where is the remedy? I reply, the remedy is to depart from the system; to revert to a course of measures to which your means are adequate; to revert to the real policy of the country. After the picture given by the noble and learned lord of the misery to which the subjects of the empire will be exposed from this system, do not waste the resources of the country in a manner unparaleled in the annals of the nation; do not continue to squander its means at a rate which you have not the smallest hope of keeping up. Without this any plan of relief would only vary the form of the distress. Great as are the resources of the country, a perpetual expenditure of 90 millions cannot be supported. The remedy proposed in this Bill is one which I denounce as calculated to aggravate the mischief a hundred fold. The obvious means of relief is this; consider what measures brought you into this situation, and retrace them step by step. The noble and learned lord asks, is there a man who would dare to propose that the restriction should, in the present circumstances of the country, be removed? Is he to learn, that when government pursues an erroneous course to a great length, though the pernicious consequences may be clearly seen, yet the subject will not always admit of a sudden and total remedy. The wise plan is to go back, step by step as you advanced; but the proposal of our present ministers is, since they are wrong, to go on from error to error till the mischief is irretrievable. If ministers disavow the principle of the restriction, much may yet be done; the first thing is, in their speeches here, to declare, that they do not mean to persevere in this ruinous course of proceeding; next, that it is their intention to retrace their steps; and, thirdly, that they intend to examine into the means by which this country may be placed in its former situation. My own opinion is, that if you set seriously about the proper remedy your progress will be more rapid than is generally imagined. So far am I from being liable to the imputation of having concealed my opinion as to the remedy, that I almost stood alone in advising you to retrace your steps, when it might have been done much more easily than can now be expected.

This, then, is my view of the system, and the remedy. The noble and learned lord has given a picture of the distress which a perseverance in the system must occasion, which I am so far from combating, that I am anxious to impress upon your minds that the evil will not be confined to one particular class, but extend to every species of transaction. The question as to the power of distress, the noble and learned lord puts in a most invidious light, and says that the object of the Bill is to relieve the tenant. Now, the question of arrest for debt was lately under discussion in this House, and it was alledged then, that the power of arrest was no less useful to the debtor than the creditor, because it facilitated transactions between man and man, for where the remedy was expeditious and easy, the creditor would be less scrupulous about the security. Apply this reasoning to the case of distress for rent, and I ask whether this remedy is calculated solely for the benefit of the landlord ?—whether, in principle, it is not advantageous to the tenant also, as landlords are by these means induced to give leases upon conditions more favourable than they otherwise could or would do ? Thus I put the case to him ; but to your lordships I put it on much broader grounds. If the remedy by distress is advantageous only to a few at the expence of many, repeal it wholly. I am sure your lordships have sufficient patriotism to put an end to this remedy, if contrary to the general interests of the country. If it is retained, it can only be on the ground that it is beneficial on both sides ; and why, then, should this gross and injurious distinction be introduced ? If this Bill passes, it will go out to the country that the meaning of the legislature is, that Bank-notes shall be a legal tender. I think, however, this Bill does not make it legal tender, and always thought so, till the speech which I heard from the noble and learned lord this night raised some doubts in my mind. I hope he will state distinctly what it is intended to do. I hope he will not be contented with talking about delays in law—fighting in the courts—and keeping at arms length; but tell us accurately in what situation he means to leave the law as between landlord and tenant. If a landlord thinks that the Bank paper is depreciated, no matter however erroneously, but if he thinks so, has he or has he not a right to say to the tenant, I will not take paper ; I will be paid in gold, in the lawful money of this country for which I stipulated ? It is of great importance to your lordships that this should be clearly understood. It is important, because the principle applies equally to all transactions. If there is a doubt whether real money can be demanded, the matter oug to be determined one way or other ; but own I have this night, for the first time my life, heard it doubted whether bank notes were or were not a legal tende When an involuntary exclamation escape me, my Lords, at one part of the nob and learned lord's speech, it was not because I attributed to him any disrespe to the Courts ; but I was astonished how person in his situation could have describe the law, as he did. If the judges coul 'have been persuaded' to have declare that to be law which was not, the consequence would have been that bank-note would be a legal tender. The governmen attempted to secure their object, by havin recourse to obsolete statutes—statutes upon which a proceeding had been decline forty years ago, because they were obsolete—and they did this because they wer afraid to come openly with the proposition to your lordships. If there was any hesitation on the subject, it was more from the manner in which it was taken up, and the quarter from which the prosecution came, than from any real difficulty in the question. But though the judges were 'persuaded' to adopt this decision, the persuasion was so powerful, that unless I am misinformed they were unanimous. I have therefore the sanction of the unanimous opinion of the judges, that bank-notes are not a legal tender ; that they are not government money ; and that their tokens likewise are debased coin, not circulated under the authority of the government, and need not be taken in payment of any debt. I think the Bank of infinite advantage to the country, as a main pillar of our commerce and credit ; but its utility depends upon its being kept distinct from the government.—His lordship then referred to the writers and the debates on the subject, to prove that this was the view taken of it by men of the greatest abilities, and in the best times of the country. England had been distinguished in this respect from other nations; from France, Austria, &c. whose Banks, from their connection with their governments, had fallen, while that of England, from its being always distinct from the government, had flourished. At last, however, this country had the misfortune to see an endeavour to identify the Bank with the government. The inevitable consequence would be the loss of confidence and credit. This state of things was not owing to the Bank, but to the devouring waste of minisrs, who found the system necessary to support their profusion, and therefore made the Bank an engine to support the system.

The noble lord proceeded to argue that nobody corporate could support the value of tokens estimated by a limited or debased standard. Manufacturers might, for the carrying on their own individual trade, issue money of a smaller value, which should be again received in payment, but no private company could maintain a general debased currency. It was now however, sought to give to this system introduced by ministers, not only the authority of government, but the sanction of parliament also. His lordship saw, by an advertisement which had appeared in the papers of that day, that the Bank of England was now in the course of issuing debased tokens by authority of parliament. He was grieved to think that such a measure had been resorted to. He defied any noble lord to shew him the smallest shadow on which parliament could hold such an assumption of power. He denied that parliament had any such right; and he regretted to see that it had assumed it; because, in so doing, he conceived that it was no longer governed by the old established rules by which it had hitherto been regulated, but that its proceedings had degenerated into a solemn mockery. He desired noble lords to try this question by the test of their own judgment. It was an established law of this country, that nothing could take place of the known standard and given quality of the coin of this country; and now they were to be told, that parliament had sanctioned that that should be taken as the current coin of the country, which was one-fifth less than this standard value. If this were a new question, the solution of it might seem to be difficult, and the mode of adjustment might be doubtful. It was, however, a question of no doubt, and, indeed, was a settled point, that the issuing of debased coin, at its nominal value, was nothing short of a gross fraud and robbery on those to whom it was issued. Then, were their lordships prepared to say that they ought to embrace such a system? Were they prepared, with all those evils, and with all the certain workings to be produced from the measure itself, completely kept in view, to say that this must be wrong, but, as it existed, it must go on until its evils multiplied on the country? He believed, as his noble friend had said, that this was not a measure which had occupied much of his attention; but that he had built his proposition principally on the individual information afforded him. It would have behoved the noble lord, however, to have said from whom he did receive this individual information. He desired it to be recollected, that it was not the case of one or two individuals, which could produce the evils against which his noble friend wished to provide by this Bill. The present Bill went to hold, not that Bank notes are to be held in equal estimation, but that they are in equal estimation with guineas. If such should be the effect of the act, then would the case of every man be equal; but if, on the other hand, one man chose to pay and to receive in payment Bank notes as equal to specie, and another not to esteem them in that light, then it followed that bank notes and guineas were of different values. His noble friend seemed to think that things might differ in their value, from there being a greater or smaller demand for them. He conceived the value to be made up both of demand and of price. It was by both that the value of articles was created. He should be ashamed almost to argue the question if it were not with a person of his noble friend's discerning faculties. What did the value of any thing consist in, but in the estimation of mankind and in the difficulty of supply? There attached all the difficulty; namely, in the difference between the value of gold and paper. An emperor was not possessed of power enough to introduce a single word into a language; much less could the House of Commons expect to introduce paper into the market as bearing a mercantile price. If this was not so, how could a court of equity affect that which no artifice could change; make a man take less than the value for money. This was an idea which did not exist in the year 1797. Then, there was no difference of value between gold and paper currency, and the circumstances did not then truly apply. He warned noble lords against the consequences likely to result from the forcing of such a measure as the present. The consequences resulting from such a measure always did revert with the greater force on the projectors of it, in proportion to the strength with which they wished to protect it. So their lordships would find that the moment they gave this artificial eminence to Bank paper, the more they debased it below the level it would otherwise naturally hold. That was the natural consequence to be expected; and the next step of his noble friend, if the present Bill should pass into a law, must be to prepare some measure which should have the effect of steeling the public mind against a still greater depreciation of the paper currency of the country. The natural effect of this Bill would be, that when commodities were brought to the market, they would be sold, if gold was given in payment for them, and would be withheld if any other species of payment was offered. Would not persons holding out their commodities for sale propose them to be sold at a smaller price, if to be paid for in guineas; and at a larger price, if to be paid for in Bank notes? His lordship was not prepared to pass a law, declaring that there should be a money price, and a paper price in this country as between man and man. But this, he was satisfied, must be the effect of passing the present Bill.

Earl *Stanhope* said he had been misunderstood by his noble friend as to his idea of value arising from demand. He should take, for explanation of his statement, the instance of two editions of the same book, one of them scarce and the other not; there would then be a great difference in the price, because those anxious for the rare edition would be ready to secure it at any price, there being a great difficulty in securing it, while for the more common edition, but equally valuable to any common purchaser, the price would be comparatively small. So were Bank notes, at this moment, to those who were not borne away with the idea of the scarcity of guineas, and of course with their greater value. He was utterly astonished when he heard his noble friend utter so mischievous, abominable, and impolitic a sentiment as this, that that which the public creditor was bound to take was not a legal tender to any other man whatever. If his noble friend contended, that so was the case, he should be glad to debate it with him; let him recall to his noble friend the high situation which he lately held; let him remind him that to a situation equally high, he might again speedily be raised, and then, let him ask his noble friend, if from a person holding a situation of that importance in the country such language as this was or ought to be expected—that the requiring men to receive payment in such a mode as that to which he had referred, was a gross fraud and robbery on the country. He contended that this was most mischievous doctrine to be entertained, the more so, as coming from a person who had been one of the ministers of the country at the very time the act which produced the supposed fraud and robbery was passed. In such a case he asked to be the advocate of his noble friend against himself, and, as such, he contended that the whole dilemma arose from the mischievous idea that paying in the weight of guineas was paying in guineas. He did not contend that it was not absurd to say, that, when guineas rose above their nominal value, it was improper that they should be melted, or that it was improper that they should be exported. He had no share in the making of any such laws. He had always contended that it was not the weight in gold which gave the standard to guineas, but the stamp with which they were impressed. He had spent nine years of his life in the little respectable republic of Geneva. There the gold coin was pistoles, and the silver coin was that of Spain. The watch-makers were then in the use of turning every pistole which came into their hands into the crucible, for the purpose of converting them into cases for watches. It was discovered, however, that in these pistoles there was an ingredient which did not suit the purpose to which they were so converted. There was, as a component part of these pistoles, a powder called emery, but no sooner was this discovered than the pistole ceased to be put into the crucible; the watch-maker would no longer purchase it. A chemist, however, soon after found out the means of extracting from the pistole this powder, when the pistole again grew into repute, and was as much sought after as ever, for the purpose of being turned into the crucible. Was there a doubt, then, if the continent was opened to this country, but that gold would return? This was not to be expected while the balance of trade and the balance of payments was against this country. An increased demand for manufactures would naturally produce an increase of our bullion. Noble lords talked of the depreciation of the paper currency. He did not admit that there was any such depreciation. He did not pretend to say that this might not be the case; but he denied that it was so at present. He agreed that a depreciation of paper currency might very well arise, as for instance, in the assignats of France, as he ld mentioned in his letter to the Lord ıancellor. These representatives of a rculating medium were said even to have een forged in this country; there was tle doubt, that, from whatever cause ey arose, France was deluged with em; and ministers had been pretty undly accused of having encouraged the rging of them. The cause of this dereciation was, that there were there no ook-entries, as he proposed. The retion between the two things would not ıen be changed. The Bank-notes would and as against corn or sheep; or, suposing that there was no money, there ould then be a barter of one against the ther. The position of the noble lords, erefore, on this subject were all founded n error, or mistake. He had pricked up is ears with great expectation, in hopes f hearing the promised remedy of his oble friend (lord Grenville), but he hought it had all ended in a long paenthesis. At length came out a recomnendation for us to get out step by step, nd this, too, from measures, of which his oble friend himself was one of the adisers. His noble friend claimed great redit for his patriotism. He was inlined to give him credit for it to its full xtent; and for this reason, because his oble friend, and those who went with im, commonly agreed with him (lord Stanhope). Here, however, he thought hey resembled a set of merchants, who wished to sell their guinea for 27s. and yet to say that they did so as patriots, and purely for the good of their country. He had been a good deal astonished at what had fallen on a former evening from a noble earl (Grey), when he supposed a time when the country would be under an impossibility to perform its engagements. It was, no doubt, very alarming to be told that a time might come when public credit might be affected, and still more to be told this by persons likely at some future day to become ministers of the country. This was an event which ought never to be supposed, as it ought never to occur.

Earl *Grey* wished to put the noble earl in mind that the expressions he had made use of on a former evening were made under certain qualifications, which were essential to a proper understanding of them. No person could state more highly than he had done the obligation of faith and justice towards the public creditors. He had merely stated, that if ever the time should come, and it was impossible not to deprecate that calamity—if ever there should exist any danger that this country would not adhere to good faith of every description, it would be in consequence of the measures of the noble lord. It was proper to give his statement as he himself had made it.

Earl *Stanhope* said there was no need for the noble earl to add any thing on the subject. According to any definition, the possibility which the noble earl had supposed, was a thing which was impossible. There was no case in which the engagements to the public creditor ought not to be performed. He would even go to the depreciation which the noble earl had supposed, of 90 per cent.; and here he wished their lordships to observe, that what was due to the public creditor was only a proportion of the national wealth; but whatever it was, still he was entitled to that proportion. He himself had no money in the funds, his whole property was in land; but they had to remember that their estates were a part of the national wealth. The public creditor was the mortgagee on these lands, and they were the mortgagers; and they had not a right to one farthing of the revenue of their estates so long as the public creditor should remain unpaid. He would suppose an industrious carpenter who by 50 years of his life spent in ingenuity and hard efforts, had been able at last to accumulate one hundred pounds a year in the funds: could any man endure the idea, that this poor man should be reduced to receive only ten pounds, while a landed proprietor should continue to receive his 30,000*l.* a year unimpaired? He had been called the advocate for farmers, and he would now be called the advocate for stockholders. Yes, he would own he was the advocate for both farmers and stockholders. He was their advocate in the same way as he had been the advocate for the abolition of the Slave Trade, the advocate for the Catholics, and lately of the Protestant Dissenters, because of justice; and he might add, that he was a friend to the landlords themselves. A noble friend had called him the saviour of the landed proprietors; and it appeared that he was speaking this opinion of the landed proprietors themselves when he said this, as was evident from the former division on this Bill.

Lord *Grenville* expressed himself glad that his noble relation had then, for the first time, brought forward a charge in that House, which had, for some time before, been in general circulation, a charge which not only involved the characters of many individuals both living and dead, but what was more, which involved the character of this nation. His noble friend had told them, that the assignats of France had been counterfeited; and he had told them further, that they were counterfeited by orders of the government of this country. He thought that his character had been better known to his noble friend, than that he should have supposed him concerned in any transaction of such a nature. On this subject he was able to speak, and he would venture to say that this charge was most grossly calumnious; that it was one of the most unfounded aspersions that was ever advanced; and that he had never once harboured a thought, or participated in any one act, which could implicate him in the smallest degree in such an accusation. He could not take upon him to speak of what was done by men who acted only for themselves, and some of whom were not now living to answer the charge: but he would say, that nothing of such a nature could have been done by the King's ministers without his being privy to it; and he then solemnly protested in the name of Almighty God that he was innocent himself of the charge which had been so brought forward; and, that he was firmly persuaded, that every man who served the King during the whole course of these two calamitous wars, were equally innocent with himself.

Lord *Holland* trusted, that as the noble earl, the father of this Bill, had alluded to debates on a former evening, the same forbearance would be shewn to other individuals. The whole was, indeed, but one protracted debate on the same subject. He could not help thinking that the misunderstandings which had arisen in consequence of this Bill, had produced a sort of mental earthquake in the House. He had suffered by this as well as others; his opinions had been much misunderstood, and it would have been necessary for him in some stage or other of the business, to attempt to set the matter right, had not his noble friend called on him at this time to do so by his reference. The whole proceeding was indeed so anomalous, that it was no wonder that misconceptions and misunderstandings should take place, and therefore this mutual leave became the more necessary—'Damus petimusque vicissim.' It was proper to consider the nature of the proceedings; and here he would say, that when the noble earl had stated that he had advocated the cause of the abolishment of the Slave Trade, of the Catholics, and of the Protestant Dissenters on the ground of justice, he could not but believe the noble earl. He had heard the powers of reasoning which he had displayed in that House; and he thought he was sure they could only be the result of sincerity and conviction. But how did it happen, that the noble lords opposite who heard his reasonings on those questions, which they were unable to answer, used uniformly to say, that these reasonings were no doubt very ingenious, but were entirely speculative; and now, when the noble earl had introduced a Bill, which by his own confession was only the forerunner of a series of Bills which would go to operate a great change in the laws of this country, those noble lords whose maxim constantly was 'principiis obsta,' who had uniformly professed their determination to oppose every thing like innovation, and who would listen to nothing but what they called practical arguments, how did it happen, he repeated, that they had now no apprehension of this speculation, but thought proper to adopt it; that they now thought proper to court one of the most dangerous innovations? The noble lords had, it was true, had the nursing of this Bill; and by the introduction of clauses in the Committee, they had produced a very great alteration on it. At first there was no principle in the preamble of the Bill, because the Bill had no preamble; but now since the clauses which had been moved in the Committee, the only words of the original Bill which had been retained were, "Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, no person shall receive."—This was the whole of the original Bill which they had adopted; and all the rest was to be considered in the light of an excrescence, as a superstructure on the original. He contended, that this would go to effect a material alteration in the law; because it was contrary to what had been laid down a few days ago by the judges of the land. And here he could not help alluding to what had fallen from a noble and learned lord (Redesdale) on a former evening, who, though he did not now hold, had formerly held, a judicial situation in the country, as to the propriety of making a declaratory law on this subject. He had frequently been told, that a systematic attempt had been made to bring the justice of the country into contempt—nay, he had frequently heard this asserted within these walls; but if any lords should come forward and say, that this ought to be a declaratory law, for this reason, that the judges had unanimously said that it was not the law, what was this but giving a slap in the face to the whole of the judges? What could be a more effectual measure than this to bring the administrators of justice into contempt?—However, if this was not a declaratory act, he had a right to assume that it was an alteration of the law. The noble mover had professed his love for definitions: let us go to definitions then. Let us attempt to argue the matter closely. What was the meaning of depreciation? It meant a fall of price. And what was the meaning of price? The relation to something else. And when they say that there is no depreciation they say notes are at par; or, in other words, they say they are equal. To what? To gold and to silver? No, no. Or to the provisions that gold or silver of the same nominal value will buy? no. Here he observed a noble earl opposite (Bathurst) shake his head, as if he meant to argue this point. He had on a former evening stated, that the increased price of provisions was occasioned by the increase of consumption being greater than the increase in production, and he said he could convince them of this, because the price of cotton and sugar had fallen. He would ask the noble Secretary of State if corn was not the commodity of all others the least fluctuating, and which it was therefore the most proper to adopt on any estimate of this nature. Instead of corn, however, the noble lord had chosen sugar, which those who had any experience in that commodity, but too well knew was one of the most fluctuating. But the Bank note was not equal to these things. It was equal then to the legal coin? It was called so; but he would ask if it was equal to the guinea? And here he could not help taking notice of a very curious mode of proving this equality, adopted by a noble earl. He should go, he had said, with 20 guineas and with 21 pounds to a banker with whom he had two accounts, and he should be able to procure entries in his books for 21*l.* par for both sums. He had no doubt that if the noble earl should go with such an intention to any banker, that the effect would be to occasion these two entries in the manner described by him; but his answer to this was, that no man would ever think of going to a banker with guineas, when he knew that by so doing he would be robbed of one-fifth of their value. For that very reason, guineas would never appear at all, but would uniformly be lodged in the hands of Jews or foreigners. The noble earl had told them that the Bank note was equal to one pound; but here again he had to ask him what was one pound? We were told that we were of such materials, that we could not comprehend what was meant by an abstract pound—as Martinus Scriblerus could form no conception of an abstract lord mayor. He owned he had great difficulty to abstract a lord mayor from his fur gown and gold chain—nay, that the horse he saw the lord mayor ride upon, not a little disturbed his imagination. In the matter of abstract pounds we were equally at a loss. The noble lord had said, that it was not what could be touched and seen; but that it was still a pound. When the Bank note contained these words, "I promise to pay the sum of ——," did that mean the Bank note itself? Was that the abstract lord mayor? Did it not rather mean a certain quantity of gold and silver, which could not be changed? His noble friend had said, that this was all sporting about nothing; and indeed he could hardly conceive such variance between them without also supposing some accidental difference of terms; but that the noble lord on the woolsack, whose acute mind had foreseen all the consequences of this measure, should, believing as he did, say that no evil existed, was, he owned, what he could not well comprehend. Whether they were to call this evil by the name of depreciation, or by that of a rise in the price of commodities, it did not signify. The true way of proceeding was first to discover the cause of the evil. He was ready indeed to admit, that the phenomena might be produced by a variety of causes; but still he was persuaded, from what he had learned from experience and study, that the chief and primary cause was the non-payment of cash at the Bank. As far as he had been informed, wherever the circulation of paper was not convertible into cash, the same phenomena had uniformly taken place; the gold had disappeared, and every article had increased in value. And, on the other side, it was as evident, that previous to a suspension of cash payments, such phenomena never appeared before, except in the case of a debased metal, or forced paper currency. He knew that the noble lords opposite did not feel well on this subject of a debased metal currency. His noble friend (earl Stanhope) had stated this to be an abominable doctrine; but this was a question of fact; and before the noble earl had so violently attacked the doctrine as abominable, he would have done well to have explained what he meant by debased coin; because in his opinion this epithet applied in a particular manner to the Bank tokens. With respect to the cash payments of the Bank, he thought indeed, that the only effectual way of effecting this, would be by an immediate payment. This was his bias; but those to whose superior abilities and information he paid the highest deference had maintained, that the immediate resumption of payments would be attended with great difficulties. Now, however, he thought that the omission of every thing which might have a tendency to bring back the cash payments was culpable. His noble friend had said, that there was not a sufficient quantity of cash in the whole country; but he would ask him if there was a sufficient quantity of cash in 1796? He meant to say, was there then sufficient gold in the country for the conversion of the Bank paper into cash? But when there was confidence in the country, gold was seldom or never demanded, and that argument, therefore, fell to the ground. All he wanted to establish was, that gold should be paid when demanded, or, in other words, that paper should be convertible into cash. And here he could not help noticing a very strange view which his noble friend (earl Stanhope) had taken of the public creditor, and the *argumentum ad hominem* he had made use of. He had supposed, most pathetically, the hard situation of a man whose whole dependance was on the preservation of the public credit. But let us look a little closer to the compassion and humanity of his noble friend. He said that it was hard that this man should have only ten pounds for his hundred, while the landlord should continue to have his thirty thousand pounds. But if his noble friend supported Bank notes, which might come down to shilling, he might in time have the satisfaction to see thirty thousand pounds reduced in value to thirty thousand shillings. What was the remedy for all thes inconveniences? The convertibility o paper into gold.—With regard to anothe point, the carrying on of the present war it had been triumphantly observed by noble secretary of state, that it was impossible to carry on the war on the peninsula without a continuance of the present system; that every man who wished to overturn that system, was an enemy to the prosecution of the war in the peninsula; and that every man who supported the system was friendly to the war. He, for one, thought the contest in the peninsula one which ought to be continued as long as it was possible to continue it consistently with the safety and honour of the country. We were called on by every principle of honour to prosecute the contest; but though this was his opinion, he could not subscribe to the other opinion, which he professed he did not understand, that the suspension of cash payments was necessary for the prosecution of the war. If this was a necessary part of our policy, it would in itself constitute an objection to that war; but he did not understand how it could at all be understood as such. He knew no way by which the keeping up the depreciation of the currency of the country could support the war but by the defrauding of the public creditor. He could understand well enough the policy of issuing Assignats. He recollected being told by one well versed in that matter, long before the great depreciation, that they would serve their turn—that they would pay their armies in the mean time. But he would ask, if this was what ministers understood by supporting the war? Here was first a declaration of, 'I am a most honest man!' and then a turning round, and recommending that system of legislation which will make the creditor not worth one farthing. Was that the assistance which was wanted? He had heard of facilities in the raising of money; but they had never been explained sufficiently to him, and he could not but perceive that what they gained on the one hand, they more than lost on the other, by the additional expence of these expeditions to the continent.—His lordship then went into a plan of his own, as a remedy to the evil, which e meant to propose in the way of a rider the Bill. He understood the great vil would consist in the certain incon-eniences attending immediate payment; ut he was convinced the bank proprietors nd stockholders had a clear interest in aintaining the present state of things, nd that, therefore, if they were to fix a articular period, two years or ten years r the resumption of cash payments, it ould be a mere *brutum fulmen*, and the ame difficulties would then remain to be ot over, which subsisted at present. He new no way, therefore, of effecting this bject, but by making it the interest of the ank themselves to agree to the resump-ion. He wished to prevent the Bank rom deriving any profit from their issues f tokens and dollars. He thought it was ut fair that they should derive no addi-onal profit from that state of things. He id not, however, wish to take from the Bank the profits which they should make, r to interfere with private bankers in their oncerns; but if they had been protected o long by us, it was but fair that they hould not be permitted to divide the addi-ional profits taken under that protection. The Rider he meant to propose, to be dded to the Bill was this: "Provided al-ways, That as long as this act continues in force, and until the act or acts suspending payments in cash, at the Bank of England, shall expire or be repealed, the profits of the said Bank, after defraying its expences and paying to the Proprietors of Bank Stock an annual dividend not exceeding such rate on their respective shares as , shall not be divided among the said proprietors, but shall accumulate as a fund for the security of their creditors, or subject to such future arrangement as shall on full consideration of the subject seem just and expedient."—His ordship gave notice, that if the Rider was adopted he should propose to fill up the blank either by the words—"No. 1.—Was declared by the court in the two years preceding the year 1797." Or, No. 2.—Was declared at the last meeting of the Court of Proprietors."

The Earl of *Harrowby* said, that many observations had been made on the impropriety of producing this measure at so late a period of the session; but as ministers were not the original authors of the Bill, the censure could not be fairly applied to them. When the noble lord first introduced the Bill, although he had supported it with arguments, and had urged considerations which were highly deserving of attention, yet he must confess he did not feel persuaded of the policy of adopting it. When for the last fourteen years the instance of the noble lord (King) was the only one in which bank-notes were refused to be taken at their nominal value, he did not perceive at first the necessity of taking so serious a step for the purpose of preventing that example from being followed. That noble lord's motives might be good, but he conceived that there was a *lex non scripta sed nata*, which would lead men in general to decline imitating such a conduct. However that conduct had been extolled by the friends and supporters of that noble lord, they themselves had been hitherto content with praising it. As to the question of depreciation, he agreed in the definition given by a noble lord, that it was a fall of price, the word price being a relative term. He believed that two prices had not existed in this country prior to the recent discussions; and there was a perfect equality between gold and paper, except with a view of melting or exportation. Although the banks of Scotland issued paper, which was convertible into gold, had that paper risen to a premium above that of the Bank of England? It was not extremely logical, in his judgment, to admit in the first instance, the operation of a variety of causes in producing a depreciation of the paper below the gold, and immediately to argue on the assumption that such a depreciation could arise only either from excess or discredit. With respect to the general rise of prices, taxes, he conceived, must be allowed to have a considerable effect. There were some, which perhaps had not that sort of tendency, such, for instance, as the income-tax, which had, probably, a contrary effect. The increasing wealth of the country must have also greatly conduced to the general rise of prices. He held a table of prices in his hand, which he had reason to believe was correctly drawn up, and by which it appeared, that on the scale of the several last years, no regular proportion subsisted between the alterations in the prices of gold and of other commodities. There was one part of the question, which was generally admitted to be in the highest degree problematical, and involved a point that could not be accurately ascertained, and that was the degree in which the velocity of circulation augmented or diminished the whole amount requisite for circulation. So various and conflicting, indeed, were the opinions entertained, and particularly with respect to the remedy, on the whole subject, that it suggested to him the case of a patient beset by physicians, giving the most opposite prescriptions. In 1801, assertions were made that Bank-notes had then depreciated; no proof was, however, adduced; and if the whole amount of currency when it consisted of gold, and paper convertible into gold, was compared with the quantity now in circulation, no presumptive, much less positive proof would be furnished of any depreciation arising from excess; and that any had taken place from discredit, had not been asserted in any quarter. Their lordships had been told repeatedly of the fate of the currencies of other countries, but he could not perceive the traces of any resemblance between our own system of finance and that of any other European state. He was still more astonished to hear such frequent allusions to the issue of assignats in France, as if any points of comparison could possibly be discovered between the great corporation of this country, circulating notes on their private credit as a mercantile company, and the arbitrary, unbounded, and compulsory operations of a revolutionary government. In the year 1793, that government issued 240 million in assignats, which in a subsequent year was increased to 800 million. This was indeed excess, but if the endeavours that were made to inculcate on the minds of the people a belief that Bank-notes were nothing better than assignats in disguise, the prophecy might carry with it the means of its own fulfilment. He recollected well the numerous prophecies that had been made by many, whose names he would not now mention, but which happily furnished examples of the general failure of such predictions. It was stated by a great authority, when the restriction Bill was first proposed in 1797, that if that measure should be adopted, the notes of the Bank would in six months be worth nothing. At that perilous and alarming period, when rebellion extended from Ireland to the Nore, that great measure was adopted by a distinguished character, and he firmly believed had accomplished the salvation of the country. When they now considered that the war in the peninsula, which had already proved so glorious and consoling to every Englishman, must be checked and paralysed, by any alteration in the financial system, he hoped a trusted that the House would not be d terred from taking any proceeding nece sary to its security and preservation.

The Earl of *Lauderdale* declared, th before he followed the noble lord into h argument on the question of depreciatio or into the justice of the eulogy which l had thought proper to pronounce up ministers, he felt it impossible for him n to make some remarks on the sentimen and declarations of the noble and learne lord on the woolsack. When he cons dered that extraordinary speech, and r flected at the same time, on the situatio and office of that noble lord, he felt th highest degree of astonishment and alarm The noble and learned lord had begun b enumerating the different modes of pr ceeding by which the landlord could su his tenant, namely, by action of debt, b action on the covenant, by ejectment, an by distress. He scarcely knew what t think of the observations which accompa nied this statement, or to believe that th noble lord had himself wished to be under stood. Did he mean to say, when h talked of the duties of the judges, tha they should dare to refuse to any man th legal remedy to which he was entitled Did he intend to propose that an office should be appointed to decide in court be tween notes that were good and other which were forged, or to impress this as a new duty on the Judges themselves? Dic he mean, he begged to ask, to counsel the Judges to refuse any landlord his ejectment, under such circumstances? He dic think, after what had passed, that as they had the power, it was their duty, to take the opinions of the judges themselves on this most momentous and interesting point? It would be worth inquiry whether, previous to 1797, the ejectment would have been stayed by a payment of Bank-notes. If the doctrine of the noble and learned lord that night were once established, Bank notes would, to every practical purpose, immediately become a legal tender. It had long been a principle in legislation to avoid every thing approaching to the nature or character of an *ex post facto* law. Now, the Bill before the House was utterly and entirely retrospective in its operation, affecting all past contracts, but not interfering with future. He would remind the noble and learned lord of those judicial opinions which he had often uttered, and more particularly in a recent case, and desire him to recon-

le them with the doctrines which he had
at night promulgated. When he was so
rupulous of permitting the smallest
batement in these instances of the spirit
old contracts, how could he fairly or
quitably conceive that it was the duty of
s noble friend quietly to put up with an
nnual loss of 17 per cent. or express his
orror at the conduct which his noble
iend had thought proper to pursue? The
oble secretary of state had moved that
eland should be exempted from the ope-
ation of the Bill, on the strange ground
hat two prices had prevailed there from
me immemorial. Supposing this to be,
hat it evidently was not, a correct state-
ment, Ireland had continued to flourish
nd improve with unexampled rapidity
nder those circumstances, which were ap-
rehended to be certain of producing ca-
amity to this country. But till 1797, pa-
per was convertible in Ireland, and there-
ore till that period two prices could not
ave existed. It was, too, a strange rea-
on, because the practice of extortion
mong landlords had long prevailed in
reland, that therefore it should be suffer-
d to continue, and a measure formed on
he principle of preventing it int his part of
he empire be withheld from her. Really
his looked something like ignorance on
he part of ministers. He was not sur-
rised that men, who had openly confessed
hemselves uninformed upon one of the
most important and interesting parts of
olitical science, should be desirous of
unning down those who had devoted a
great part of their lives to its cultivation.
The noble lord who spoke last had said that
many articles had fallen in value, and that
sugar was to be purchased for less of pa-
per in nominal value, than it formerly was
of gold. But did he not believe, at the
same time, that if gold was now offered
for sugar, the difference would not be yet
more apparent? Price, which was rela-
tive value, was certainly not to be estima-
ted by a comparison of any two commodi-
ties; but where one commodity was alter-
ed in price in an equal proportion to two
others, the presumption was that it was de-
preciated, and if it had fallen, with respect
to the general sum of commodities, the
proof became positive that it was so depre-
ciated. Considering the present situation
of the country as more calamitous than at
any former period, and being persuaded
that the Bill before the House would, if
passed into a law, tend to aggravate rather
than to diminish those calamities, he should
vote against the third reading.

The Earl of *Morton*, adverting to the statement of the noble lord, that the notes of the Bank of Scotland were at par, while those of the Bank of England were depreciated, observed, in contradiction to that statement, that at the inns, for 150 miles on the great North Road from Darlington to Edinburgh, the Scots Bank note, and the English Bank note, were received indifferently, and passed for precisely the same sum.

The Earl of *Liverpool* defended his noble friend (lord Harrowby) from the charge of ignorance that had been preferred against him; a charge to which no man in the House or the country was with less justice liable than his noble friend. The arguments of the noble lords who opposed the Bill went not against this particular act, but against the whole of the system, which had been acted upon since 1797. If that system was proved impolitic, it would not follow that the proposed measure must therefore be otherwise. The adoption of this measure would by no means preclude an investigation of that system, or a recurrence to cash payments at the Bank, if such a recurrence should be deemed necessary. The Bill before the House was a measure of justice to a great portion of the people. It was generally agreed, that the strictest faith should be kept with the national creditor, and that he should be placed on as good a footing as any other individual in the country. The national creditor received Bank notes at par; he ought to be placed in a situation in which he should be enabled to part with them at par. If in this point the landholder obtained an advantage, the national creditor must sustain an injury. He contended that there was no depreciation whatever. As to increased price of corn, that was attributable to the increase of population and consumption. But with respect to many articles of home produce and manufacture, such as wool, iron, copper, lead, &c. of these some had been reduced, while others were stationary. The noble lord opposite, after a great deal of elaborate disquisition, had arrived at this profound observation, namely, that if the notes of the Bank of England were to be increased to the amount of the assignats of France, they would become equally depreciated! This was indisputable: but was there the least apprehension of such an event? The paper circulation of this country had not that tendency to excess which had been so injurious to other countries. While the issue was only about 23 millions, and the revenue amounted to between 70 and 80 millions, there could be no just ground for fearing a ruinous excess. As to the resumption of cash payments by the Bank, he confessed himself wholly at a loss to understand how, in the present state of exchange with foreign countries, that could take place without the most dangerous consequences. A great deal had been said about profusion in the national expenditure. What profusion? what measure of expence had been adopted with any other view but the conviction of its being wise and politic? If there were any of a different description let them be pointed out. The policy might be erroneous, but no one was justified in terming it profusion. He said this because it was of the utmost importance that the public should not be induced, by any misrepresentation of such a nature, to withdraw their confidence from government. It was true that the issue of Bank paper might be reduced, by reducing the public expenditure, but this reduction must be effected, if effected at all, by a complete change of system; by withdrawing our troops from the peninsula, from Sicily, &c. and by an abandonment of all those plans to which the government had hitherto looked for ultimate success and security. For his part, convinced as he was that the exertions made by Great Britain were indispensible in the present critical situation of Europe, he was firmly persuaded that whatever might be the inconveniences attendant on the present state of the currency of the country, those inconveniences were trifling as compared with the evils which must result from an abandonment of those efforts which the country was making in the common cause.

Earl *Grey* protested against the proposed measure, as fraught with general calamity. The noble lord who had just spoken talked of the faith due to the national creditor. That faith no one would wish more strictly to observe than himself; but what would the national creditor gain by the present Bill? Would it give to bank notes an increased value? Would not its only effect be to place landholders in the same distressing situation? For his part (notwithstanding what had fallen from the noble and learned lord on the woolsack) he never would believe, until it should be declared by the twelve judges, that the payment by a tenant into a court, of bank notes, would shelter him from a distress, when the law distinctly declared that it should be paid "in good and lawful money of the realm." Satisfied as he was, that the reverse was the case, he put it to the House to consider what would be the situation of the unfortunate tenant, after the passing of the Bill. From that period it would be illegal and impracticable for him to purchase guineas, and yet with guineas alone would his landlord be paid. Could any thing be conceived more likely to create the greatest calamities? It was to incur all the evils of making bank notes a legal tender without securing any of the advantages which might result from such a step. The present measure would have the effect not of stopping, but of aggravating and increasing the evil. The law was to be limited in its operation to Great Britain, and was not to extend to Ireland. Why was this? Had it never been heard that the rent of lands in that part of the kingdom had been demanded by the landlord in gold? Was it known that this was common in the North of Ireland? If this was an evil, how came it that a remedy was more necessary here than there? Why were the people in Ireland to be more exposed to such demands than the landholders in England? To this he believed no better answer could be given than that furnished by the old story of a person who was accused of cruelty in putting lobsters into cold water, and then boiling them to death. The reason given to justify this practice was, "they were used to it;" and this he conceived, was all that could be said for thus neglecting the people of Ireland. He was astonished to hear the noble lord opposite contend that bank paper was not depreciated, and thought the arguments he had urged were far from proving what they were intended to prove; and the arguments he had made use of to shew that the Orders in Council had done good, were only to be derived from the present distress of the country. The only remedy which could be supplied to the evils complained of, and those which would follow the adoption of the measure proposed, and those measures to which it must lead, was a return to payments in specie. He reminded their lordships of the assignats in France; and then adverting to the affairs of the peninsula, declared that though he had concurred in the vote of thanks to lord Wellington, as he had really done more than he had expected he would be able to do, yet still it

as his firm opinion, if we made ourselves
incipals in the war, and attempted to
ntend with the whole military power of
ance on the continent, the consequences
ould be most ruinous to this country.
e was surprised at the statement which
ad been made of the prosperous state of
r affairs, and regarded it as a delusion,
hich, if given into, would render it im-
ossible for us to survive our present diffi-
lties. If the bill before the House were
rried, it would go to make the bank
te a legal tender, and that must lead to
s farther depreciation. He was anxious
give the supporters of the measure a
mely warning before they proceeded
o far, as he was confident no victory
ould gratify our enemy so much, or so
rongly prove the complete success of his
deavours to injure this country, as the
assing of an act subversive of the ancient
ghts of the constitution.

The Earl of *Lauderdale* thought it would
e unbecoming to pass the bill, under all
he circumstances of the case, without
aving first the opinions of the judges.
e would therefore move as an amend-
nent, that after the word "That," words
hould be inserted summoning the judges
o attend that House to-morrow.

Lord *Grenville* spoke in favour of the
mendment, as after what had fallen
rom the noble and learned lord in the
ourse of debate, their opinions were ne-
essary to explain the bill.

The *Lord Chancellor,* in explanation, re-
eated that the law of the country would
emain the same after the passing of the
ct as at present in cases of execution,
nd said that the landlord who took a
ote must take it for the sum specified in
t and when distraining must submit to
ave such a note so offered to him.

The Amendment was negatived without
a division. The question was next put on
he third reading of the Bill. On this a
ivision took place, when the numbers
were : Contents 43.—Non Contents 16.—
Majority 27.—The Bill was then read a
hird time and passed.

HOUSE OF COMMONS.

Tuesday, July 9.

INDICTMENT AGAINST DE YONGE FOR SELLING GUINEAS.] Lord *Folkestone* rose to move for certain papers, upon the subject of the prosecution against a man of the name of De Yonge, convicted of selling guineas. To this motion he understood there was no objection, and, he should therefore call for copies of the indictment, under which the prosecution was carried on twelve months since. The case of this man was, in his opinion, a peculiarly hard one : he had been prosecuted under an obsolete statute passed in the reign of Edward the 6th, which provided a punishment for what was thereby constituted a crime. Upon that prosecution he was convicted, but a point of law was urged by his counsel, and reserved by the Judge who tried him, for the opinion of the twelve judges. The question for consideration was, whether the act imputed to the defendant was a crime or not. The noble lord saw nothing but hardship in the case, for De Yonge had done nothing more than what bankers and merchants were constantly in the habit of doing and of course were amenable for it under the statute alluded to, namely, paying a premium for gold and silver, not certainly for any unjust uses, but to carry their business on. The act imposed a punishment both on buyer and seller. When persons of such great consequence in the state were amenable, it was rather hard to select an unknown individual like De Yonge for prosecution. When the arguments came on, the decision was delayed from term to term on account of their not being complete ; and it was not until the expiration of twelve months that De Yonge was enabled to obtain a decision, which was in his favour, and he was acquitted by the opinion of the twelve judges, they being of opinion that no prosecution could lie. Under these circumstances, he wished to bring the matter before the House, in order that some remedy might be applied to prevent a recurrence of the evil, De Yonge having been put to great expence in defending himself, and to much inconvenience, by the great delay before the decision was known. The noble lord then moved for a copy of the Indictment found against De Yonge for selling guineas; and also of the record of all subsequent proceedings had thereupon.

The *Attorney General* should not have been surprised at the motion of the noble lord, if he had imputed to those who carried on the prosecution against De Yonge any unnecessary delay, or improper conduct in bringing it on for trial; not having so done, he could not see on what grounds he desired the papers. He had not imputed blame to any one, and with respect to the delay which had necessarily taken place, that did not depend on the prosecutors. It arose from circumstances which could not be avoided. In some cases the judges decided immediately; in others, involving like the present a question of much importance, they wished for further time for consideration. They had heard, not as the noble lord supposed, incomplete arguments, but arguments proceeding from the minds of some of the most learned men at the bar. Wishing to hear further arguments, they delayed their decision until those doubts which were considerable, were entirely removed. They then gave their opinion in favour of an acquittal. He saw no reason for the motion, and should oppose it.

Lord *Folkestone* admitted that great learning, and much research had been displayed in the arguments. He did not mean by stating that the arguments were incomplete to impute a defect, but to shew that the judges were not satisfied with them.

The motion was then put and negatived.

Gold Coin and Bank Note Bill.] The *Chancellor of the Exchequer* said, before he moved the first reading of the Bill brought from the Lords, he wished to make a few observations respecting it, both as to its provisions, and to the circumstances by which he was induced to give it his support. It was with a sentiment of deep regret that he could even come to parliament for the purpose of recommending such a Bill, but this sentiment became much stronger from a consideration of the advanced period of the session, and the limited attendance that could be expected on a discussion of such peculiar importance. The regret that he felt in the first place was founded on the recollection that for the last fourteen years the paper of the Bank of England had been able to uphold itself in public estimation. During those fourteen years, trials and exertions had been undergone by the country of the severest and most extensive nature, difficulties of unexampled magnitude had been encountered, and yet the circulating paper had maintained its credit. Through this long period of danger and of exertion, while the military operations of the country abroad were carried on upon a scale the most extensive, bank notes had retained their current value, and the prosperity and strength of the country had flourished without diminution or decay. It was, then, not our great and glorious expeditions, it was not our extended army, powerful establishments, it was not the continued and unabated exertions of this country against a foreign enemy, and in support of its liberties and its existence, that had created the necessity of having recourse to any measure of this description. An imperious necessity did, however, now exist for its adoption, and he begged leave to state in what manner that necessity had originated, and the reason why that necessity had only become recently apparent. This would serve to explain why ministers had not deemed it necessary to propose any similar Bill at an earlier period, and why they felt it their duty to the country to give it their support at the present late period of the session. A nobleman of high rank and great political distinction and large landed property, had thought it proper and advisable, after having hitherto received the rents of his estates in the ordinary currency of the country, to give a general notice to his tenants, that from the period of that notice, issued immediately before the usual period of half yearly payments, he would receive only gold or paper estimated by the price of gold in the market. This notice, whether intentionally or otherwise he did not presume to determine, was not declared, till the time when it was well known that Parliament was on the point of separating. He did not mean to insinuate that the noble lord was actuated with any other views than such as became his rank and station in society. He did not wish to attribute any improper motives in supposing him to be influenced by his own theories on the subject, and a desire of enforcing them by practical examples. The impression on his mind when he first heard of the circumstance, which was before it was mentioned in Parliament, was that it did not of itself call for any legislative interference to guard against any consequences which it might occasion. He was then persuaded, that a system which had so long existed, and under which the country had so long prospered, might safely be left to stand upon its own merits, and to support its character without the aid of any parliamentary enactment. He felt, indeed, that the conduct of the noble lord was certainly productive of some alarm, but not of a size or nature to alter his opinion, until he found to his surprize, that instead of being discountenanced and condemned by all those whose opinions would have been likely to have an effect on that noble lord, it was defended and extolled as just, and even as patriotic. He had conceived, that the noble lord, finding no encouragement from the opinions, any more than from the conduct of his friends, would have at length seen the propriety of desisting from his purpose. It was probable, he thought, that when the noble lord reflected that those whose conduct had previously resembled his own, were exclusively pedlars, and Jews, and smugglers, he would not persevere. When he found, however, to his astonishment that he was deceived in this expectation, that the direct contrary was the case, that the noble lord's friends, his advocates, and his panegyrists, were among those who had a great lead and influence, although not so great perhaps as they imagined; then it was that he felt convinced of the expediency, and of the necessity of taking some step before the prorogation of Parliament, to prevent the effect which such doctrines and examples, proceeding from such high quarters, might produce on the community at large. No doubt the noble lord himself thought he was acting a most admirable part, and one that reflected on him the highest credit, but at the same time he would declare that he could conceive no act whatever, that in proportion to the limited sphere of an individual was calculated to produce such formidable effects against the interests of society, as that of the noble lord which had imposed on them the necessity of adopting the present Bill.—He had now stated the reasons which had induced ministers to decline pressing any measure of this description, and, he trusted, sufficiently proved the injustice of the reproaches which had been urged against them on this account. It had appeared to him impossible, that the old adherents of Mr. Pitt, and those who had approved of the Restriction in 1797, could oppose a measure formed on the same principle, and rendered necessary by similar causes of a more extended operation; or that the supporters of Mr. Fox, on the other hand, could disapprove of a Bill, the professed object of which was to prevent what they so much deprecated, the establishment of two prices. Those who had maintained the opinions of the Bullion Committee, and in particular he wished to allude to the hon. and learned member who was the chairman of that Committee, and had consequently held forth the expediency of suffering the intervention of two years before the period of resuming cash payments, ought surely to come forward in aid of the Bank in the mean time. He was aware that it had been asserted from high authority, and asserted with great confidence, that at no antecedent period was the gold more plentiful or cheaper than it was at present. This was certainly at variance with all that had been hitherto heard, and notwithstanding the assertion came from men who imagined that they enjoyed and monopolized all the talent and statesman-like knowledge of the country, he had no hesitation to say it was most preposterous and absurd. He should have thought it the duty of those who had been instrumental in causing the original restriction, not to attempt to depreciate the paper, which, if it was altered in its nature, had been altered by themselves. After all that had been said by many who appeared to wish to oppress and stigmatise all who refused to admit their superior wisdom, and to idolize their superior talents, could any thing be more manifestly unjust, than that a person having 6,000*l.* in the funds, and renting a farm of 300*l.* per annum, should be obliged to receive the interest of the former in paper, and pay the latter in gold at its present excessive price. It would be highly desirable, he readily agreed, to avoid making bank notes a legal tender; but if, from the state of the country, from any accidental alarm, or other causes, it might no longer be desirable, he was prepared to say that it might become a proper and expedient measure. In the year 1797, Mr. Pitt had himself entertained great doubts as to the policy of their making the notes legal tender; and those doubts were, he believed, chiefly removed from his mind by the meeting of the merchants, and the universal disposition displayed to take the notes without any such legal enactment. He saw in his place an hon. alderman (Combe), who had then inquired if it was the intention of the Chancellor of the Exchequer to propose the legal tender between individuals as well as between government and the subject, to which he answered, that he believed it to be unnecessary. When interrogated as to the probability of its becoming necessary, he replied that it was impossible to declare. Mr. Fox then wished to know his opinion respecting the tendency of the measure to create that effect, to which Mr. Pitt answered, that he had no opinion (Hear !

hear!) He might quote sir F. Baring, no mean authority, on a question of this kind, in confirmation of the opinion that the policy commenced in the year 1797, with respect to the issues of the bank, must necessarily terminate in making bank notes a legal tender. Still, however, it was a point to which he should very unwillingly accede, and which he confidently hoped would be found an unnecessary measure, both from the injustice of the proceeding, which must lead to it, and the odium that had already attached to the conduct which he had before referred to. The comparison instituted between the paper currency of this country and the assignats in France, at least admitted of this consolation, that when the restriction was originally proposed, the same sort of observation was made, the same gloomy predictions uttered, and the same confident assertions of our being not on the verge, but in the very gulph of ruin. We had, however, since passed fourteen years, and during the whole period had increased in external strength, in a ratio equal to our internal prosperity. Invasion was then declared to be a less evil than such an attack on the financial credit of the empire, yet invasion had been since prevented, and the financial credit of the empire sustained. But could any men, except for the purpose of raising an outcry, or realizing the mischief which they affected to deplore, sincerely mean to say, that the paper of the bank of England bore any resemblance whatever to the French assignats? The whole amount of the bank issues had never exceeded 25,000,000 and they were at present not more than 23,000,000, leaving to the whole supply of the national circulation only an addition of 13,000,000 upon the amount in 1797, previous to the restriction. In one year France issued not less than 50,000,000, in the following 25,000,000 more, and in the course of five years, not less than a thousand millions. Here was a sum far exceeding our national debt, while our issues had never exceeded one third of our annual revenue. The present Bill was intended to guard only against an improper and injurious alarm; and for this purpose it simply took away the process of distress for rent upon a proffered payment in bank-notes. This was proposed by an hon. gentleman in 1797, but opposed by Mr. Pitt, on the ground that no reason existed in the feeling or disposition of the country to require it. Mr. Fox, however, even then supported it.—Much had been said respecting Ireland, and the inconsistency of not extending this Bill to that country. The reason, however, simply was that the cause and object of the Bill were new in this country, but not so in Ireland, where two prices had in fact prevailed before the restriction on the bank took place. He was ready to allow, also, that it was unadviseable to interfere in contracts between man and man; but the act of 1797 had already altered that sort of relation, and we were in a situation in which it was notorious that the public creditor could receive nothing but paper. Under these views, and upon these considerations, he moved that the Bill be read a first time.

Mr. *Abercromby* said, that although it was unusual to enter at large into any discussion upon the first reading of a Bill, yet as the right hon. gentleman had given so ample a statement, and as he was desirous of leaving the debate on the usual stage, the second reading, to his hon. friends, who would enter fully into the question, he trusted he might be permitted to make a few observations in the present instance. The right hon. gentleman, in support of a Bill which he could only consider in itself as a Bill calling on that House to be a party in committing a gross fraud upon the public; as a Bill, threatening in its consequences ruin to the established forms and institutions of the country, set out with an attack on the conduct of a noble lord (King) whom he was proud to call his noble friend, because he knew his private worth, and his incapacity to do any thing inconsistent with public virtue. He begged leave to ask the right hon. gentleman whether, before he heard of the intention of the noble lord, he was ignorant that Bank notes were depreciated 20 per cent.? and if he was not thus ignorant, what ought the House to think of a minister, who, perfectly sensible of what it was the interest of the land owner to do, could have intended parliament to separate on the supposition that the land owner would not choose to prosecute his evident interest, and his legal right? Was he ignorant of the law, and did he presume that by virtue of his office, he could oppress and intimidate any individual, who, during the recess, might venture to act upon that interest? Sensible that such conduct in individuals afforded a contradiction to all their arguments, which was plain and palpable to the understandings and business

all men, they seemed to have relied on
eir own discretionary powers, greater
an the law itself, to put down and ex-
guish every such attempt among indi-
duals. Now, indeed, when this design
uld be no longer entertained, the mi-
ster came down to the House with a pro-
sition for violating at once all subsisting
ntracts made antecedent to the deprecia-
n, and to alter the whole system of our
w for the preservation of the value of
operty. He was willing to do justice to
e candour of the right hon. gentleman,
ho certainly had this night, with a sin-
lar frankness, professed his conversion
the code of Robespierre. It was now
longer a secret, that in the opinion of
s Majesty's government, Bank notes
ight eventually become a legal tender,
they would by this Bill immediately
ecome a legal equivalent. What induce-
ent any longer existed upon the Bank
restrain its issues? They now saw that
arliament was pledged to support them,
nd that the law might soon protect them
any extent of issue. The right hon.
entleman seemed to think it strange that
en should defend their property; but
ch a defence, when aided by the sanc-
on of the law, did not appear to him to
e mean, or unworthy of any person, more
specially if that person was one who had
atched the progress of the depreciation,
nd felt it to be his duty to guard himself
nd his family from its effects. The right
on. gentleman seemed to have forgotten
at the paper currencies of the continent
ad been all issued on the credit of the
overnment of the respective states. But
hat interest, he would ask, had the peo-
le of this country in the profits and bo-
usses of the Bank? That the present
ate of circulation was necessary to sup-
ort the system of government, was pre-
isely what was urged by the government
f France in justification of the assignats,
nd it was an argument which completely
verlooked every principle of public ho-
our and national faith. It was idle and
allacious to represent the stockholder's
nterest to be connected with a fall in the
alue of paper, and that he could derive
ny benefit from the increasing prices of
ommodities and the decreasing value of
is property, because landed property was
ubject to the same sort and degree of loss.
The right hon. gentleman had seemed to
escribe himself as the only legitimate re-
resentative of Mr. Pitt. He had never
efore heard that distinguished person, whose great qualities all admired, however destructive they might deem his measures to the public interest, accused of any design to get rid of the national debt in the manner by which he certainly might have succeeded in that object—by making Bank notes a legal tender. The exception of Ireland, and the limiting the duration of the Bill, were only fresh proofs of the impropriety and danger of the expedient. How could foreigners be expected any longer to trust their property in our funds when the returns were annually diminished? Pregnant as the Bill was with such extensive consequences, he called on all who valued not merely the interests, but the character, the credit, and the faith, of the country, of government, and of parliament, to pause before they agreed to a measure that was nothing less than an outrageous invasion of the most sacred rights of property, and a plain avowal that the circulating medium of the country could not support itself without the aid and interference of the law.

Lord *Archibald Hamilton* announced it as his determination to oppose the Bill in every stage. He complained of the absurd provisions made by one of its clauses which went to exclude Ireland from the pretended benefits of the Bill, though the evil it professed to remedy existed to so much greater an extent in that country than in any other part of the united kingdom.

Mr. *Dent* would not oppose the first reading of the Bill, as he did not object to its introduction to the House, although in its passage through, there were parts of it which he might feel it his duty strongly to object to.

Mr. *Whitbread* expressed his surprise, that after the very able speech of his hon. and learned friend, none of the right honourable gentlemen opposite should have thought it necessary to say something in answer to the objections which had been so strongly urged against their own measure—for as such he should consider it. He thought that the right honourable the Chancellor of the Exchequer had indulged in observations which were by no means warranted by the conduct of the noble lord upon whom they were intended to bear so hard. That noble lord had done nothing more than he was justified in doing, both in law and in equity. He thought, too, that the insinuations which were so invidiously thrown out by the right hon. gentleman against another noble lord (Grenville) were equally inapplicable, and, considering the quarter whence they came, peculiarly unfortunate. The right hon. gentleman had accused that noble lord of affecting the monopoly of all the talents of the country. He would not stop seriously to refute so ridiculous a charge; but when he accused that noble lord of exacting the submission due from inferior to abler statesmen, he was charging him with a crime of which that right hon. gentleman had not long ago vainly tempted that noble lord to be guilty. The right hon. gentleman had himself acknowledged lord Grenville to be what he now accused him of falsely aspiring to be. He had knelt to that noble lord—he had bowed to his acknowledged superiority, and avowed himself willing to go below him, and act under that noble lord, as first lord of the treasury. The accusation therefore, groundless as it undoubtedly was, was still more unfortunate as coming from the right hon. gentleman, who had himself given his personal testimony, that whether lord Grenville had any such pretensions to such superiority or not, that still, in the opinion of the right hon. gentleman, they were well founded. It had been said, or rather insinuated, that in the projection of the restriction act, Mr. Pitt had some such measure as this, or one still stronger—going even so far as to make Bank notes a legal tender—that he had then some such measure in contemplation. He could not receive the doubtful insinuations of the right hon. gentleman as greater authority than the decided testimony of lord Grenville, the bosom-friend and counsellor of Mr. Pitt. That noble lord had declared his belief that Mr. Pitt had never adopted the measure of restriction but as a temporary expedient; and with a magnanimity that, in his opinion, did that noble lord immortal honour, he had expressed his regret for having supported the first extension of the Bill, when it was about to expire; and subsequently he gave the proposal for the second extension of the restriction act, an energetic though ineffectual opposition. The noble lord had never approved of it originally, but as a mere temporary expedient, and now that it was meant to be made permanent, he looked upon it as a fatal measure. And what were they now going to do in passing the present Bill—to take a step which must inevitably lead to another; if they passed this Bill, what would be the next step? Why, to make Bank-notes a legal tender, and when Bank-notes we once a legal tender, they must then i pose a *maximum* on prices. And what, asked, was all this but treading in the foo steps of France, tracing step by step the very measures so strongly condemned lord Mornington (now marquis of We lesley) in his speech in 1794, at the tim when Mr. Pitt had declared France to b on the verge, if not already in the gulp of national bankruptcy; and was it to b expected that the same steps pursued und the same circumstances, would not lead t the same dreadful results in both countries He could not help looking at the mode i which this Bill originated as somethin singular. He would suppose that a mem ber of that House who had been held u by ministers as a land-mark to be avoide with respect to the dangerous turn of h political views and sentiments, after havin been resisted by that government in ever political measure he had supported; tha after such long and uniform habits of dif ference that same government should fin their eyes suddenly opened by a measur coming from that obnoxious quarter, and that after opposing it, they should in tw days after, come down and join in the support of it—whether all this was the result of ignorance or rashness, or both together, he left to the right hon. gentlemen to explain.—The hon. gentleman again adverted to the observations which had been thrown out against lord King—the word 'extorted' had been used, not by the right hon. gentleman, but yet it had been used, and indirectly applied to the conduct of lord King: that noble lord had done nothing which his own motives could not justify—from his general knowledge of that noble lord, a knowledge of which he was proud, he believed him to be a strictly honest man, and utterly incapable of the motives that had been imputed to him. Was this Bill directed against lord King? No, say gentlemen, but its object is to support Bank-paper—support Bank-paper! They might as well screw up the barometer and call it fine weather. But where was the hardship or injustice of lord King's conduct? Bank-paper was either depreciated, or it was not; if it was not, where was the hardship, and if it was, where was the injustice? He would ask those gentlemen who were so loud in their censures of his conduct, if they had any lands out of lease, and if, after the passing of this Bill, they would renew such leases on the old terms?—He next adverted to t provision of the Bill, confining its eration to Great Britain solely, and ced where was the justice of the Imrial Parliament in Ireland, enacting, that man should be transported for an act, ich, if he had done in England, would ve subjected him to fine and imprisonent only, and which, if done in Ireland, uld have been no offence at all? Or re they weak enough to suppose, that rd King would desist in consequence this act? Something like an insinuation d crept abroad that the courts of law ght in their construction of the law of e land open a door of relief to the tenant ainst the just and legal demands of the nd-holder. Good God! in what times d we live? What must be the awful uation of the country when such ameful subterfuges could be thought —when in order to force a depreated paper currency, men would take fuge in the hope that the tribunals justice would resort to chicane, to pound the laws against themselves! e right hon. gentleman ought to have own that agriculture was the basis of national prosperity; let him well conder what would be the immediate praccal effects of this bill in restricting the ant of leases. Suppose when a man me into the market with his commoty, he should say, 'I choose gold, and fuse to take paper;' would not this esblish two prices, and would not the ly remedy then be, the establishment a maximum? and would not this be the lfilment of all the prophecies of 1797, ough the right hon. gentleman had ked with such ignorant exultation, if y of those predictions were now likely be verified? At that late period of the ssion, when so many gentlemen had rerned to their summer avocations, after hat had already passed in that House on the question, he had little hope of fectual resistance to the present bill. e understood that it was the intention of e right hon. gentleman to fix the second ading for Monday next, but as that was e day on which most of the landholders that House would probably be occupied ith the business of the quarter sesons then commencing, he thought it ight be more advisable to fix the second ading either for some day this week efore they left town, or what might be ore convenient, for Monday sen'night. efore he sat down he should move that the erk do read the third Resolution of the Committee on the Bullion Report, in which Resolution the Committee stated it as their opinion that paper and coin were in equal public estimation. Was that the present opinion of the House? Did they still think that the Bank-note was not depreciated? If so, then all the mischief which usually arose from unnecessary legislative regulations was attributable to ministers for their adoption of the bill before the House. Let the House not forget, and let the country, from one end of it to the other, be informed of the fact that the right hon. gentleman opposite had declared, that the existing state of things was such as might lead to the necessity of making Bank notes a legal tender. After they had heard this, let the public read lord Mornington's speech, in which he described the progress and the fate of the assignats of France; and let them recollect, that the same lord Mornington (now marquis Wellesley) was one of the leading members of the existing administration, an administration by which it was proposed to imitate the first and second steps of the French financial ministers of former days. If the present system were pursued, the Bank might and must alternately make tons of paper, which would be worth merely the value of the paper. Lord King had, most unwisely, most unjustly, most detrimentally to the general good, been called an extortioner. He was no such thing. His wish was solely to preserve his rights. If he had been an extortioner, he would have extended his notice to all his tenantry, instead of confining it to that portion to which he had confined it.—Having no faith whatever in the nostrum now proposed to remedy the evils of the state, he should oppose even the first reading of the bill, as he would oppose the opening of Pandora's box, if it were still to be opened, and with that view he should take the sense of the House on the question. In the first place, however, he moved that the clerk read the third Resolution of the Committee on the Bullion Report.—The Resolution was accordingly read as follows: "Resolved, That the Promissory Notes of the said company have hitherto been, and are at this time, held in public estimation to be equivalent to the legal coin of the realm, and generally accepted as such in all pecuniary transactions to which such coin is lawfully applicable."

Mr. *A. Baring* said, that those who had opposed the present Bill, seemed to look upon it merely in the light of an abstract question; but the question was not whether or not, generally speaking, this was a desirable Bill, but whether the situation of the country was such as to render such a measure necessary. What would they propose as a remedy for the present difficulties? It was not enough to state that the country would be in an unfortunate situation on account of the forced paper circulation; because until parliament should find an adequate remedy for the evil, that situation was absolutely necessary. The situation in which we were now placed, was no other than that in which we had uniformly been ever since the year 1797. The circulation of the country rested on no other security but a combination of wealthy individuals in the country; and the general good faith among individuals held the place of compulsion. He would not say whether lord King was blameable or not in agitating the present question; but this he would say, that nothing could be more honourable to the country at large than that no person, under any temptation, had yet ventured to refuse the notes of the Bank of England. This, indeed, shewed a high spirit of patriotism in the country at large. But if the country was aware of any individual of large landed property refusing to take those notes at their established value, the situation of things was altered. His own opinion was, that Bank of England notes ought to be made a legal tender at once. He thought the simple legal tender would be more efficient than the provisions of the present Bill; but if he hesitated as to this measure at present, it was because he thought that preparatory to it some security should be taken by parliament, that the Bank issues should not exceed a certain quantity, that the country might have something to look to. He did not believe that there was a disposition in the Bank to over-issue; he believed that their disposition lay the other way; but he thought it was not proper to leave this subject to their discretion, and that some limitation should take place by authority of that House, that the public might not be exposed to suffer from the mere will of any set of men.—Another thing which, he thought, ought to take place preparatory to the legal tender, which if not introduced in this, ought to be introduced in the next session of parliament, was, that some pledge should be given by that House respecting the expenditure of the country; because a limitation of the issue of paper would have a tendency to embarrass the government, if they contiuued to act upon their present system. There were therefore, two points, which, he thought, ought to be attended to: first, that proper security should be taken against the over-issues of the Bank; and, secondly, that some measures should be taken to prevent the contraction of the issues from obstructing the wheels of government. When he talked of the limitation of the issues, he did not mean to say that they ought to be less than the present amount, but that they ought to be limited not to exceed a certain amount. The paper currency of the country was essentially connected with the public debt. The profuse expenditure of the country which had been going on both before and since the restriction, depended upon the restriction, and must be put a stop to if the restriction was to be put an end to. When he said this, he could not see any ground for the despondency which had gone abroad respecting the resources of the country, and that the public debt was a clog to the country. He was of a totally different opinion, and he thought that without the public debt the country could not maintain any thing like the forces which it at present maintained. The deficiency of our finances did not exceed 20 or 21 million, and after deducting what was covered by the Sinking Fund, we had no occasion to borrow more than 10 million. Now, if we could only retrench five millions from our present expenditure, and raise an additional five million of taxes, the remainder of the deficiency would be covered by the Sinking Fund, and the future increase of the Sinking Fund might be applied towards a reduction of the national debt. Were this system adopted, and persevered in with constancy for any length of time, it would give the country a new degree of confidence. It was true that nothing but a sense of the present danger, and of the ruin which was hanging over the country, would induce the people to agree to such an increase of their burdens; but when he considered that in one year lord Sidmouth laid on new taxes to the amount of 12 million, he thought that this sum of 10 million might be raised, in some way or other, by retrenchment and new taxes. This Bill, he thought, would preserve the subject from all actions and ejectments, and so forth; but still, however, he was convinced that something of a more permanent nature ought to be resorted to.

Mr. *Tierney* said, that after hearing the speech of the hon. gent. who had just sat down, it was impossible for him to give a silent vote on the present occasion. More monstrous doctrine he had never heard in that House than the doctrine which had just fallen from the hon. gent. He pitied the members who had left the House two months ago, after they had been told by the Chancellor of the Exchequer that the present question had been then set at rest. He told them then, that the intrinsic value of Bank notes was not equal to their nominal value; and this the right hon. gent. did not choose to dispute; but he solved the difficulty by stating, that Bank notes were equal to guineas in the public estimation. After having reported this to their constituents, it was rather unfortunate that one of the first things they should hear of was, that Bank notes were to be made a legal tender. And who were the advocates for this measure? Its advocates were two of the most suspicious characters in the world—the Chancellor of the Exchequer and a Bank Director.—(Hear, hear!) Much had been said about sounding an alarm; but no person could give occasion to a more well founded alarm than the gentleman who had just sat down. When he heard such monstrous doctrines, he thought the only safety for the country was to take the alarm, that they might save their property from destruction. The hon. gent. had said that the Bank had no interest in the present state of things. He believed, however, that there was an understanding between the Bank Directors and the Chancellor of the Exchequer on this subject; and he believed that even if such men as lord Stanhope and lord King had never lived they would have fallen on this plan, because it had been avowed by the right hon. gent. over the way, that such a plan was in Mr. Pitt's mind. He did not believe that Mr. Pitt was of opinion that a compulsory tender would be proper. He acquitted Mr. Pitt of ever entertaining any such opinion, whatever hostility he might have shewn to his measures. But the present Chancellor of the Exchequer saw the matter in a different light. He saw no other remedy, but this measure—and so said the hon. Bank Director. But it seemed there was to be a bargain between the high contracting parties. You who are in the government, are not to be so profuse in your expenditure, and we the Bank Directors will furnish you with our paper; but this will require an act of parliament. However, this would be merely a nominal contract, for the Chancellor of the Exchequer would never be tied down to a certain sum in his expenditure, but would always find some means or other of going beyond his limitation. The hon. gent. told ministers that there would be no injury, because there would be no increase of the national debt. The system of the Chancellor of the Exchequer was to eat up the War taxes, so that there was a necessity of recurring to a further loan. But now we must either raise five millions, or make the Bank Note a legal tender. All the rest seemed now to be entirely thrown aside—to be set at rest. We must not broach any more any of the doctrines of depreciation of currency, and of the difference between the market and mint price of gold. We must not say any thing of the impolicy of the Orders in Council. All these questions were now entirely set at rest. The only thing now necessary to the salvation of the country, was to make Bank Notes a legal tender. For his part, he thought such a measure would be the destruction of the country; for no country could subsist with a compulsory paper currency. The gentlemen opposite now stated, with a candour for which he gave them credit, that the legal tender was the only safe measure to be adopted. A great deal had been said about Bank deposits, by a person who entertained a very curious idea of Bank deposits, and who said that a Bank deposit was nothing more than a paper deposit. He could not understand how more respect would be paid to a Bank note, because the legislature should say it was worth twenty shillings. Ought we not first to satisfy ourselves that it was really worth that sum. They had determined already what its value was in the public estimation; but would it not be proper, before passing the bill, to go into a Committee to inquire into this circumstance. They had not before pronounced their own opinion on the subject, but only the opinion of the public. In what, he would ask, did that worth consist? It could only comprehend its convertibility into cash. He could understand what was meant if the value was deposited; because that might be said to be done from a wish to prevent exportation; but on the present system, what security had they that the

Bank-note was worth twenty pence. He would tell the Bank, that from the moment this Bill passed, he had a right to inquire into their constructions; that they were no longer a private company; that they had changed their character; that they were amenable to parliament for every farthing they had in the world; and that the House would not discharge its duty if it did not inquire into their affairs. It would be said, perhaps, that he was encouraging doubts as to the credit of the Bank; but he was forced by themselves to act as he did. They had laid out a great deal of money on the very worst species of security—government security. In the account which the Bank gave of their assets, a certain proportion was said to consist in bullion and specie, and another proportion in discounts and exchequer-bills; but they took care to make such a return on this last particular, as to leave the public in the dark as to the proportion between the discounts and the part invested in government securities. The truth was, that the Bank was neither more nor less than the vehicle through which the government of the country circulated their own paper.—How did he know, too, who was solvent at present? The country had been placed in such jeopardy by the measures of the right hon. gent., that no man knew at present who was solvent and who was not solvent. The Bank of England had the price of most of the government securities in their own hands; and he would take as an instance to prove this, the bills which had been issued the other day by the Chancellor of the Exchequer for the relief of the manufacturers, which were materially affected by the Bank coming forward to purchase. —Reverting to the subject of a legal tender, he would ask, if it was possible to compel butchers and bakers, for example, to take the Bank-notes at more than their real value? This could never be. They would persist in making a distinction between that which bore a value in every part of the world, and that which was tainted from the beginning. He could not see how the Bill could be a remedy for similar cases to those of De Yonge; for it was impossble to enact heavier penalties against the exportation of coin than the present laws; and yet it was impossible to take up a newspaper without hearing of what were termed shiploads of guineas exported, which had eluded the dexterity of government. He had been told the other day by a gentleman lately returned from France, that he had seen 1500 guine taken out from a quarter of an ox, whic was hanging from a ship. It was impossible to guard by any means against suc an exportation.—The right hon. gen next called the attention of the House t the melancholy situation in which th country stood, when the exercise of hi right by one man out of fifteen million could have forced the minister to have recourse to a legislative act. Was there an stronger symptom of a system being o the verge of destruction? He objected t the second reading of the Bill on Monda next, as in that week country gentleme would be engaged at the quarter session and it was important that they should attend, for they might place even this poin of distress in a light of which he was no aware. Adverting to the immense boo given to the Bank by this Bill, he state that he would at any time before have bee glad to shake hands with the Bank Directors, but now he must fall on his knees to them—they would be such great men. H concluded by declaring that he would propose a Call of the House and for the appointment of a Committee to inquire into the effects of the Restriction. On the former motion he would divide the House but he would propose the latter for the purpose of having it entered on the Journals.

Mr. *Baring*, in explanation, disclaimed any intention of wishing to be considered as giving any other opinion than that of a private and individual member.

Mr. *Manning* also protested against any such inference being drawn from what he said; and, in answer to the charge against the Bank of a wanton and extravagant issue of notes, stated that instead of 23 millions, as returned to the House, the amount of notes outstanding on Saturday last did not exceed 22 millions. The public owed to the Bank, in the amount of its capital and in loans subsequently advanced, about 19½ millions, which was little short of their issues. He begged of gentlemen to consider this, when they talked about the solvency of the Bank. Mr. Pitt on this ground had been ready to give parliamentary security for the notes. The public had a right to know the amount of the Bank issues, and there was no wish for concealment on that head. No less than thirty-six returns had been made to the House of the amount of these issues. They had a right to know that their security was good, and he assured the House that the irplus assets in the Bank, independent of s claims on the public, had not dimi-shed since 1797. It would be with ex-eme regret that he would resort to the easure of making Bank-notes a legal nder—and he regretted that there should e any necessity for this Bill. The noble rd who had given rise to it had done uch mischief, and would do himself and s family no good by his conduct. It as in reality like applying a razor to his wn throat. But since this had happened, ne Bill was necessary—for if the landlord emanded payment in gold from his te-ant, what was to hinder the clergyman rom demanding his tythes in the same nanner? What was to hinder the holder f a bill of exchange also from insisting pon payment in coin? It would be im-ossible to carry on the most common ransactions of the day, if such an example vere to be followed. What would be the ituation of bankers in such a case? From he manner in which the noble lord's onduct had been approved and cheered hear, hear!)—yes, he said, approved and heered, something must be done. Legal ights ought not always to be exercised—nd if the noble lord should still persevere n proceeding with the utmost rigour, he vould perhaps find difficulties in the ourts, which would prevent any unplea-ant effects to the tenant who tendered Bank-notes before the next session of par-iament. He gave a reluctant consent to his Bill; but denied that the Bank direc-ors wished to make their notes a legal ender; and he also denied that there was any desire on the part of the Bank to con-nect itself with government, or with any particular minister more than another; and as a proof of this latter circumstance, stated that the Bank had made larger advances while Mr. Fox was in administration, than at any former period.

Mr. *Bankes* said, that for the last 14 years they had always been liable to such a proceeding as that adopted by the noble lord, at the caprice of any individual, and the wonder was, perhaps, that they had gone so long without some such inconvenience occurring; and yet they might have gone on longer had it not been for a want of moderation in the bank in issuing their notes. For the present unfortunate state of things, there was, in his opinion, no certain cure, except in regulating those issues so as to enable the bank to resume payments in cash. But he would not restrict them peremptorily to the period of two years. Much would be done if it were laid down that it was the duty of the bank to look towards such a resumption, and to do all they conveniently could to limit their paper so as to bring it to an equality with coin, when payment in cash might be safely resumed. This was the more necessary, because some alarming circumstances had appeared in the course of these discussions relative to the conduct of the directors who had applied for the restriction in 1797. He hoped on the second reading of the Bill, that it would be distinctly stated what the law really was on this subject. The hon. gentleman who spoke last was, perhaps, not so good an authority on a point of law as on many other points, but he said that he trusted the law would prevent any unpleasant effects to the tenant tendering bank notes, till the meeting of the next session of parliament. If this was so, then there really was no occasion for the present Bill, but it was most important that this point should be clearly and distinctly explained.—Another point which would require consideration was, the situation in which Ireland would be placed with regard to this country. This measure was not to be extended to Ireland, because the demand for payment in coin had long prevailed there—the circumstance which was here considered as the extreme grievance to be prevented. But there was no law to prohibit the exportation of guineas to Ireland; and if they might be legally sold there for a premium, thither they would naturally be carried, so that one part of the Bill appeared to counteract the other. He then expressed his astonishment that a gentleman of such authority as his honourable friend near him (Mr. Baring) should have maintained such a monstrous and extravagant doctrine, as that the national debt was a benefit to the country and not a burthen; and that the country might make as great if not greater exertions with this millstone about its neck than without it. He thought the writings of Dr. Smith had put an end to such quibbling on the subject of finance; certainly he never thought to have heard such assertions from one of his hon. friend's knowledge and experience. The debt was a thing which we ought to fight against: and indeed his hon. friend himself was against its increase, for he had pointed out a method to prevent that increase, namely, that the Chancellor of the Exchequer should confine himself within a certain limited expenditure. The only objection was, that no one could well expect to see such a remedy applied. Every Chancellor of the Exchequer, no doubt, wished to keep down the expenditure as much as he could, but then he had important projects to execute which were expensive; and there always had been a facility in this country of borrowing money, and thus the debt had grown. From all the arguments he had heard on this subject, he was not certain whether any remedy at all was required against the effects of the proceeding of the noble lord, who had given the notice to his tenants; and if a remedy were necessary, he was not sure that this was the proper one. But at all events it was of the last importance, that they should be fully and clearly satisfied how the law really stood, and he trusted that an explanation on that head would be given. On a subject of this consequence, he thought a call of the House desirable, and would vote for it. He did not, however, think the conduct of the noble lord, who had been the cause of this proposed measure, worthy of approbation. He regretted very much that such a proceeding had been resorted to in the first instance by a great landed proprietor. There were circumstances in which 'summum 'jus' was 'summa injuria.' He would reserve what he had further to say until the second reading of the bill.

Sir *F. Burdett* would not have trespassed on the time of the House in the present stage of the proceeding, were it not for the unjust attacks which had been made on a noble lord for doing no more than he was entitled to, and which justice to his own family required him to do. How could it be pretended that a landlord was not entitled to demand his rent to be paid without depreciation, at the very time when the tenant was selling the produce of his farm with reference to this very depreciation in the paper currency of the kingdom? He recollected the language, which, at the commencement of the French Revolution, was held by gentlemen on the other side of the House with regard to the French assignats. Their tone, however, was now completely changed, and was to be compared to nothing but what they then attributed to Robespierre and his associates, from which the downfall of the credit of France was prognosticated. He trusted, however, that the present measure would have this good effect; it would make gentlemen at length feel in what situation they stood. Sugar planters and West India planters associated for their own interests on every occasion when they supposed them to be in danger. The landed interest alone seemed insensible to the dangers which threatened them, and to the advantage which was at all times taken of their remissness. He trusted at length they would be awakened, and would not wait for the period when every man in England would find that, with his pockets full of paper, he was without the means of support. This languor, in such a situation, seemed to say, that no remedy could be applied, and reminded him of a line in an Italian poet, which was said to be inscribed over the gates of Hell—"Who enters here leaves hope behind." So, in the present instance, hope seemed extinct; and while the evil was deplored, it seemed to be the opinion of many, that no more could be done. We had now approached to this point without being able to find out a remedy for the evil which menaced us. The noble lord who had warned us of our danger was, in his opinion, entitled to our best thanks, in the same way as he must be esteemed our friend who prevented us from leaping over while we had only a step to take before we fell into the gulph of perdition. Without a speedy remedy, we must quickly expect to see a paper price and a money price, and the evil must continue to increase till Bank notes became like the assignats in France. How was the Bank to get gold? An honourable Director had told the House that the Bank was solvent. Could it pay the demands upon it in money? No; he admitted it could not; but it could pay you in other paper. This was not to pay its creditors, but only to contract with them a debt of another kind. There was but one possible remedy, and that was to diminish the paper circulation. This the immense expenditure of the country rendered next to impossible; and no remedy seemed at all to present itself. The remedy proposed did not appear at all calculated to make things better. Suppose the landlord to take the circuitous mode of proceeding by action till he obtains judgment and the sheriff sells, may not the landlord still say that he will not take less than the actual value, while, on the other hand, the sheriff says that he cannot sell for more than to the amount of the Bank paper? In this way must it not ll go to the courts to determine the estion of right? We could only expect go on from one evil to another, and a eater. Was it for the landholder of gland, however, to be made the scape at and the victim to this destructive stem, which could only be propped up a season, but could not be effectually pported? Gentlemen opposite seemed to nk that sufficient unto the day was the l thereof. The right hon. gentle- an seemed even to hold out threats ainst the landed proprietors. He did t know whether gentlemen were dis- sed to put up with this. He was satis- d that in that House the right hon. gen- man could carry any measure he pro- sed; but did not this furnish a further oof of the inadequate representation in at House? Did the right hon. gentle- an suppose that this evil would stop ort of the fixing a maximum of price? e was satisfied it would not. It might, deed, seem to be equally dangerous to turn as to go over; but there could be doubt that the path in which we now ere must lead to ruin. It must end in struction; he did not say in the destruc- n of the people of the country, for a ave and free people were immortal; t it must end in the ruin of the estab- hed system.

Mr. *Creevey*, observing that there were out 40 members of the corporation of e Bank of England who had seats in that ouse, and being of opinion that they ere not fit persons to legislate on the bject of the present Bill, and that too in e absence of the country gentlemen, hile at the same time he was anxious to t on record a comparison of the nature the interests of those gentlemen, and of e noble lord who had been so grossly lumniated in the present question, gave tice that he should, previous to the se- nd reading of the Bill, submit to the ouse how far the persons alluded to were t and proper persons to be allowed to te on such an occasion.

Sir *C. Burrell* most perfectly accorded the view taken of the subject by the hancellor of the Exchequer. He con- dered the whole honour of the measure be due to lord Stanhope. He did not ish to speak disrespectfully of lord ing; but when his leases expired, he ought that noble lord would find some ifficulty in getting the same respectable enants again. He had found no difficulty passing bank-notes, except that which was felt from the want of small change; and if he had to receive 100,000*l.* he should be happy to get it in bank of England notes.

The *Chancellor of the Exchequer* did not intend to notice the whole of the arguments made use of by gentlemen opposite, but he felt it necessary to explain some points of his speech, which had been commented on in the course of the debate. With respect to what he had said on the subject of the limitation of the act as to time, he should be sorry if the House were to separate with an idea that he wished it to be understood that the measure was wholly to terminate on the 24th of March. He had pointed to the manner in which the act was framed, to shew that it must again come under the consideration of parliament early in the next session, and not to insinuate that there was a probability that at the period named, all necessity for such a measure would be at an end. An hon. gent. had asked him what he would do with respect to the mode of enforcing the Bill? On this subject he had to observe, that on such a Bill coming from the Lords without any penal clause, it by no means followed, that no such provision was to be made, as a clause of that description could not originate in the other House. It was his intention to propose one in a future stage of the Bill.—He then proceeded to vindicate what he had advanced on the subject of lord King's conduct, and defended himself from the charge of having thrown any unjust aspersion on the character of that noble lord. When he used the expression of "pedlaring and smuggling," he had merely said, "that he did not believe that in any case but in transactions of that description, any person could be found to have adopted the mode of proceeding recommended by the noble lord." The change of opinion which had been spoken of, had only occurred when it was found that there was a large party disposed to encourage, countenance, and patronize such conduct, though no one had avowed an intention of following it. When that was found to be the case, the measure was thought to be necessary to guard against interested persons taking advantage of the opportunity afforded and encouraged by the applause bestowed on the noble lord.

The House then divided.

For the first reading....................64

Against it......... 19

Majority....................—45

The *Chancellor of the Exchequer* moved that the Bill be read a second time on Monday.

Mr. *Tierney* moved as an Amendment, "That the House be called over on Monday se'nnight.

The *Chancellor of the Exchequer* thought the motion unnecessary, and took an opportunity of explaining what had fallen from him early in the evening on the subject of making bank paper a legal tender. He had said if the present measure did not succeed, (and it might not if a combination were formed against it) the same necessity which had imposed this, might drive him to the measure of which he had spoken. He hoped this would prove effectual, but at the same time, if it did not, justice might require that they should go further, and make bank paper a legal tender.

Mr. *Whitbread* said, the right hon. gent. in objecting to the motion, seemed to think that what fell from a person of his eminence in debate, was not enough to render it necessary to take any particular step, and justify the enforcing of the proposed call of the House. He could however recall to his memory one instance in which Mr. Pitt had taken such a step on such an occasion. In consequence of some opinion expressed by Mr. Fox, Mr. Pitt thought it right to persuade the House to stop in their proceedings, and come to a decision on that opinion before they did any thing else. What was the origin of the present Bill? When it was brought in by lord Stanhope it was thought unnecessary, but in consequence of what had come out in debate, ministers had changed their opinion. The right hon. gentleman had now, in the course of debate, said that on the subject of making Bank-paper a legal tender, which called for the most serious consideration, and therefore he thought the House ought to be called over.

A division took place, when the numbers were—For the Motion 20; Against it 63; Majority 43.

Some conversation next took place, on the motion of Mr. Tierney, for the appointment of a Committee of Secrecy, to inquire into the effects of the Orders in Council of the 27th of February, 1797. After a short discussion the House again divided,

For the Motion 17
Against it 62
Majority .... —45

HOUSE OF LORDS.

Friday, July 12.

Circulating Medium.] Earl *Stanh*
said he felt it his duty to bring forwa
some further propositions respecting t
important subject. What he had p
posed already, what their lordships h
done in consequence, and what, he truste
the House of Commons would do befo
the close of the session, was by no mea
sufficient for the attainment of the obje
he had in view. This would be found s
The Bill which he had proposed, he, fro
the beginning, had expressed his wish
be understood so, was only an incipien
an introductory measure, and somethin
farther was essentially necessary to follo
upon it. In effect, if he might be allow
to speak figuratively, what he had pr
posed was no more than a palliative r
medy—a plaister for the wound; nay,
plaister merely calculated to keep th
wasps and flies from the wound until th
next session of parliament. What he pr
posed now, was a number of proposition
which he wished the House would orde
to be printed, in order that they migh
be generally known and considered, n
only by their lordships but by the publi
at large. This he meant as the founda
tion of a general and comprehensive sy
tem, for securing an efficient and neve
failing circulating medium to the country
which was so necessary under its prese
circumstances, when, from various causes
it was impracticable to use what wer
technically called the precious metals, a
such. Under the present system, it woul
be in the highest degree unjust to rende
the Bank notes a legal tender. He mean
generally, as individuals might easily b
placed in circumstances, with referenc
to the possibility of a fictitious or forge
note being passed upon him, that whethe
they refused or accepted the tendered note
they might be equally losers. With re
spect to the public creditors, they migh
safely be rendered a legal tender, becaus
their payments coming directly from th
Bank, there was no fear of forgery. Bu
the system which he proposed to substi
tute, and which it would be found ere lon
necessary to adopt, or something like i
was such as would do away all apprehen
sions of the kind. The system, as recom
mended by his Resolutions, was, to con
stitute branches from the Bank of Eng
land, in the different counties, so that the
might pervade the whole—that books

dit should be opened at various certain
ces, where notes to any amount, or for
y small sums, should be received from
ividuals, at their pleasure, and an equi-
ent credit given to them in the Bank
oks so distributed, for the money lodged
hat the power of transfer should be
owed from county to county, or from
ce to place. This was a system which
uld preclude the necessity of regarding
d, silver or even copper, as the fixed
l invariable circulating medium—a sys-
n, which recent and long continued ex-
rience had proved to be utterly im-
cticable, on account of their fluctuation
price and occasional scarcity. It would
der forgeries impossible, and put it out
the power of invasions, insurrections, or
mestic violence from producing any
al or dangerous effect. In this view, it
s proposed, that triplicates should be
de of the entries of credit; one for ac-
unt of the individual party; a second
the general Bank in London; and a
rd for conservation in the Tower.
der such a system, it would not be ne-
ssary to limit the issues of the Bank, as
ggested by his friend, a noble marquis
n absent, to their present amount. They
ght be allowed a much larger circula-
n. All this proceeded on the convic-
n of their solvency, which they would
afforded frequent opportunities of
ving. And for the farther satisfaction
parliament and the country, the go-
nment and company should be re-
ired to lay before both Houses, at an
ly period in each session, an exact ac-
unt of the numbers in circulation. Under
h a system, a plan might be adopted to
event forgeries as to the notes themselves.
practice, which the present wretched
gravings of those instruments only
ded to encourage: and which the di-
tors seemed to adopt from a principle
mistaken economy. The noble earl
n read his Resolutions as follow:

1. "That an internal circulating me-
m, which shall be a legal measure of
relative value of different commodities
l things, is essential for transacting the
vate affairs of individuals, and the
blic concerns of the state, and for ena-
ng debtors to make to each of their re-
ective creditors a legal tender in satis-
tion of his or her just demands, without
y unjust loss to any debtor on that ac-
unt.

2. "That it is most highly expedient
t such internal circulating medium and legal measure of the relative value of different commodities and things, be so contrived as not to be unsteady, fluctuating, and variable; but to be fixed and invariable, so far as the nature of things can possibly admit.

3. "That two or more circulating mediums, which, under any given circumstances whatsoever, can vary considerably in their relative value when compared to each other, cannot, under such given circumstances, exist together, so as to form together a fixed, invariable, and proper circulating medium, and a proper legal measure of the relative value of different commodities and things.

4. "That it is, therefore, highly expedient, that whenever (for the sake of more convenience) different internal circulating mediums shall be by law either established or allowed, some one only of them be made the permanent legal standard measure of the relative value of different commodities and things.

5. "That it is therefore expedient that such permanent legal standard measure as aforesaid be so contrived as to be divisible into such parts as may bear to each other any requirable proportion, in order not only that all round sums, but likewise that all fractional sums whatsoever, may be paid and satisfied by means thereof.

6. "That is it moreover expedient that such permanent legal standard measure, and circulating medium as aforesaid, be so contrived as to be easily, rapidly, and safely transferable, without expense, from any one person to any other person, and from any one part of the country to another, either for the use and benefit of the same individual, or of any other individual, free from any depreciation, defalcation, or discount, and free from any loss by forgery, or by wear and tear, and also free from any danger of loss that might arise from housebreakers, highway robbers, mobs, insurrections, or even from foreign invasion in any particular district, and likewise free from any loss that might arise from the accidental or intentional destruction of any dwelling-house, banking-house, or other building, by fire or otherwise; and, moreover, free from any loss of interest on any quantity, however considerable, of circulating medium, which shall or may hereafter exist, and be transferable in any of the various ways abovementioned, and (above all things) free from being affected by the course of all or any of the foreign exchanges.

7. "That neither gold nor silver ever did possess, or ever can possess, the various important and requisite qualities which are above particularly specified; and that, not only each of those precious metals (technically so called), but likewise every one of the other articles of merchandize, by means of which British debts to foreign nations can be discharged, is (from the irremediable fluctuability of their value, arising from the necessary fluctuability of the course of foreign exchanges) an improper and an unfit legal standard to serve as a fixed, invariable, and permanent measure of the relative value of different commodities and things within the country itself, which is the grand and essential end and object of an internal circulating medium, whether the same be imperiously wanted for the use of individuals within this realm, in order for them to purchase from each other, either the objects of luxury, or even the necessaries of life, or whether such internal circulating medium be required for the indispensible services of the state.

8. "That the want of gold in circulation, in this country at present, prevent bankers and other persons, who may have large payments to make, from making, in any such case, any legal tender to the amount of the sum of money so due and payable, and in discharge thereof; and that the same is a grievance of such an immense magnitude, that it requires a wise, speedy, radical, and efficacious remedy, which shall completely prevent the possibility of this nation being ever again deprived of its proper internal circulating medium either from the circumstances of the balance of payments, in respect to foreign countries, being at any time against us, which must ever of necessity tend to cause our gold to be exported, in order to adjust such balance, or from the circumstance of any temporary alarm which may always cause our gold to be hoarded; or from any other circumstance or combination of circumstances; and that parliament should take into its most serious consideration this important subject, and should adopt such measures as shall effectually prevent the return of so intolerable an evil.

9. "That it would be an act of the most manifest injustice, and an act likewise highly impolitic and rash, if parliament were to make, by law, either bank notes or any other paper circulating medium, a general legal tender, on account of this obvious circumstance, viz. that the pers to whom such a tender may be mad may not be certain that such note or oth paper circulating medium, is not forged.

10. "That for the various weighty re sons aforesaid, it is highly expedient, th a permanent mode of making paymen be established, by means of which mod legal tenders, even to the largest amoun may be made, without gold, as gold oug never again to be relied upon for that l gal and necessary purpose, on account the impossibility of procuring gold at a times in sufficient quantity; and by mea of which same mode, legal tenders f fractional sums may be made, witho either silver or copper, and by means which same mode also, legal tenders ma be made in all countries, without tende ing in payment either Bank notes, or an other kind of circulating paper whateve

11. "That, in order to satisfy the pub lic respecting the solvency of the Bank England, and to prevent all future appr hensions upon that important subject, is expedient, that the governor and com pany of the Bank of England be by la compelled to lay before both Houses Parliament in the first week of every se sion of Parliament, a full, clear, luminou and satisfactory account of the state their affairs, and that a *maximum* be a ways fixed by law with respect to the num ber and value of the notes, which may b issued by the said governor and compan and which may at any one time be out i circulation.

12. "That it is expedient, that the Ban of England shall establish various branche throughout the whole country, and i many parts of the metropolis, and sha cause books to be opened in each of thos places; and that persons possessed o Bank notes shall be entitled, upon depo siting such notes, to have a credit in th Bank book at the place where such depo sit is made, equal to the value in pound sterling, which is specified in such note to be payable to the bearer on demand and that every person, having such cred so entered to his account in any one plac as aforesaid, shall be entitled to transfe the whole of such sum so accredited, o any part thereof, either to his own accoun or to that of any other person at any plac where any such book is opened.

13. "That, for the perfect security o all persons who shall at any time becom possessed of any such credit as aforesaid it is expedient that triplicate correspond

ing entries be made, the first of which shall be on the Bank book at such place, the second of which shall be delivered to the person who shall have brought the Bank notes as a certificate of the proper entry having been made, and the third of which shall be forthwith transmitted to the original Bank of England in London, in order to be by them filed and daily transmitted to the Tower of London, for safe custody, after such last mentioned triplicate shall have been duly recorded in the books at the Bank of England itself, and that every transfer be made in like manner.

14. "That, as under proper regulations in detail, such book entries and such book transfers cannot ever be forged, it would be highly expedient that the law should authorise legal tenders to be made, by tendering such a book transfer as aforesaid of the sum due in such form and manner as shall hereafter be prescribed by law."

The Earl of *Lauderdale* strongly objected to their lordships adopting any proceeding whatever, in the present instance, with regard to the propositions of his noble friend. He should rather think what his noble friend meant was, that what he now said should be regarded as a species of notice of his intention to submit such propositions on some future day, than as expressive of his desire to obtain a vote of the House on topics of such extent, importance, and magnitude, without any previous notice being given, in the present circumstances of the session, or in an attendance so extremely thin as the present. For his part, he could not agree in acceding to any propositions which involved the supposition of the insolvency of the Bank of England. This was a consideration which he, and those with whom he acted, in all the discussions which had taken place on the subject, had never called in question, however they might differ in sentiment as to the restrictions upon the Bank. Neither could he accede to any proposition for the legislature giving its sanction to a principle which militated against that of the precious metals being the preferable circulating medium. These were points of weighty importance, not to be lightly agitated, and still less lightly decided upon. What struck him as the most advisable way of proceeding at present was, to move to adjourn the debate to a future day, he should suggest Tuesday.

Earl *Stanhope*, in explanation, deprecated the idea of any thing being advanced in the Resolutions which went to infer a want of solvency on the part of the Bank; on the contrary, the whole of his proposed system went upon the principle that the Bank was amply solvent, and the effect of what he proposed would be to augment and establish its solidity; and the more to evince that such was his conviction, he was ready to strike out those words from the Resolution which possibly gave rise to the idea. He requested his noble friend to recollect he had offered no motion upon the subject, tending to imply the sanction of the House. He trusted, that whenever this important subject should come to be discussed, it would be considered more in the spirit of a deliberative than a debating assembly. As to the proposed mode he had no objection; and moved, accordingly, that the Lords be summoned for Tuesday next.—The debate arising on the above was then ordered to be adjourned till Tuesday, and their lordships to be summoned for that day.

HOUSE OF COMMONS.

Monday, July 15.

Gold Coin and Bank Note Bill.] The order of the day having been read for the second reading of this Bill,

Mr. *Eden* said, that after the many able and eloquent speeches which had been made on this subject, he should not trouble the House at any considerable length; but he felt it impossible to refrain from expressing his repugnance to the tendency and principles of the measure under consideration. If the Bill possessed any merit, it was in being totally inadequate to the object which the supporters of it had in view, namely, to sustain a paper currency which was not exchangeable into any thing of intrinsic value. If parliament consented to this first proposition, they must proceed to measures of a still more injurious nature. They must be compelled ultimately to adopt the maximum, and to make Bank of England notes run the full career of French assignats. The effect of that clause which prevented the provisions of the Bill from extending to Ireland, would be to give to every guinea in Great Britain a free and unincumbered passage to that country. He warmly defended the conduct of the noble lord on whose requisition to his tenantry the present measure affected to be founded. It had been asked, whether that noble lord fulfilled his own contracts on the same terms as those which he exacted from others? He had the means of knowing that he did. The noble lord had that very year paid 1,200*l.* in Bank notes, as the equivalent for an annuity of 1,000*l.* secured on his estates. It had been intimated that obstacles might be thrown in the way of those who sought in courts of law to recover that which was their fair right: he could not believe this. It was the business of the judges to administer the law; and although some delays might be occasioned, yet judgment must be given, and the lawful money of the realm must be ultimately paid in the fulfilment of all contracts to that effect. This could be done only in two ways, either by the tenant's buying bullion and sending it to the mint to be coined into guineas, or by his selling his corn for guineas only. In either case, two prices, a gold price and a paper price, would be produced, and thus lord King's object would be gained. (Hear, hear!) He was not pretending to enter into lord King's motives, he was only showing the inadequacy of the Bill, to effect the objects for which it was framed. He repeated the eloquent passage in Burke's reflections on the French Revolution, "that our paper was all powerful on the Royal Exchange, because it was impotent in Westminster-hall;" and earnestly entreated the House to consider the expediency of endeavouring to bring the circulation of the country back to a state in which such an observation could be made with truth. The obvious remedy, he thought, was to restrain the issues of the Bank of England, to prevent the too frequent recurrence of mutual accommodations between the Bank and the government, and to adopt a resolution evincing the sense which parliament entertained of the existing evils, and their determination to compel the Bank as speedily as possible to resume cash payments. He extolled the conduct of an hon. and learned friend of his, then absent (Mr. Horner) and those who acted with him, for the manner in which they had originally brought the subject under the consideration of the public. They had shown the evil and had pointed out the cure. The hon. gent. concluded by declaring his determination, when the Bill should be in the Committee, to propose a clause by which the Bank should be restricted from issuing a larger number of notes than that at present in circulation.

Mr. *Herbert* commented with some warmth upon the extraordinary auspices under which the present Bill had been introduced to the House, and the equally as extraordinary manner in which it has been at first resisted, and finally supported by his Majesty's ministers: a compulsory law to support public credit, was one which was enough in itself to excite very general alarm; the fickle conduct of his Majesty's government in first opposing and then suddenly giving all their aid in forwarding this measure, was enough almost to excuse the suspicions which had by some persons been so unwarrantably indulged in respecting all public men. The right hon. the Chancellor of the Exchequer had told them, that if that Bill failed in doing what he expected it would do, that it would then be necessary to make Bank notes a legal tender. Those therefore, who did not expect any thing from this measure, were to argue it with the reference to that Bill, which they were told would follow after it. It was certainly but just, that if we compel the public creditor to take that paper, we ought to protect him from the loss arising out of its depreciation; but it was necessary to shew that this Bill could so protect the public creditor, before they could prove that it was necessary. He did not think that it would have any such effect; but of this he was certain, that if they were sincere in their wish to protect the public creditor from the injustice complained of, they might remove the measure that created that injustice. In alluding to the conduct of a noble lord (King), the right hon. the Chancellor of the Exchequer had said that certain gentlemen, who had originally opposed the Restriction act, had done so, because they apprehended that it would create a double price, and yet these same persons approved of the conduct of lord King, though so much more likely, if generally instituted, to produce that effect. To this, he would answer that lord King's conduct could have no such possible tendency, and that with respect to the apprehensions of a double price being the ultimate result of the Restriction act, they had been proved by the event to have been but too well founded. The result of that act had verified all the predictions which had been made by those who opposed it. There was, in fact, a double price, though it could not be proved conclusively from the habits of the small retailers who bought to sell again. So that was not trying the question fairly to nt the case they had so often heard of, at one man would get as much in a shop r a pound note and a shilling, as another ould for his guinea. He who was immediately affected by the depreciation of aper, was the man who lived on an inome arising out of a fixed capital—and in is point of view, considering how necesary it was to call the attention of the ublic to the true state of the question, he ought the conduct of lord King highly atriotic and laudable, in bringing home e question in such a way that it must be et, that it could not any longer be evad-d. But what effects could be expected om even the bold measure of making aper a legal tender. There was, he conended, no injustice in the demand of lord ing, if made on his tenantry. But what ould this do, but transfer the injustice pposed to be suffered by the tenant, in at case, really to the landlord. But how ould such a law be made effectual? Suppose such a law in force, could it prevent landholder from saying—there is my nd, give me 300*l.* in gold coin, and it is ours; or if you will pay me in paper, I ill not take less than 360*l.* In fact, they ight as well expect, by the mere sound f their voice, to stop the descent of a stone lling to the ground by its own gravity. , however, it could not do what it was ntended to do, it would still, he feared, do nore than enough—it would have the efect of defrauding all those who had old eases—old mortgages and annuitants, of great portion of their just rights; they night defraud them, but still they could ot stop depreciation—they could not revent a tradesman from saying, you nay have this article for a guinea, but if am to book it, I will enter it at a higher rice. There had been a great displeasure vinced by some, at instituting any comarison between Bank paper and assignats; ut for his part, as far as related to the rinciple of the question before them, he aw not the slightest difference.

Mr. *Calcraft* reprobated the comparison f Bank of England paper with French ssignats. At one period there were no ess than 130 millions sterling of assignats n circulation in France. The whole of he Bank of England notes at present in circulation in this country did not exceed wenty-three millions. What just comparison could therefore be made between he two descriptions of paper? This language shewed to what a length the heat of controversy would carry the best informed and best intentioned individuals. Honourable gentlemen ought to recollect, however, that representations of the nature to which he had alluded were immediately spread through the country, and must necessarily produce impressions of the most unfavourable nature, both with respect to the present time, and to futurity. He spoke on this subject with great pain, because he differed upon it so materially from those hon. friends with whom he had usually the satisfaction of acting. He had differed from them in a similar manner on the Bullion question. But he confessed that he did not think he should do his duty unless he explained the reasons which would induce him to give the decided vote, which it was his intention to give in support of the present Bill. When this measure was first agitated, it appeared to him to be uncalled for, but he afterwards became persuaded of its absolute necessity. He really was not aware of the strength of the objections against it. What did the Bill propose to do? With respect to the tenantry of the country, only that which no individual but lord King had abstained from doing, or had questioned the propriety of doing since the measure of 1797. It was said to be unnecessary, because it was probable that no one would follow the noble lord's example. This might be. But he for one would rather incur the charge of superabundant caution on such a subject; he would rather pass a law which should never require to be put in force, than leave the country exposed to all the confusion and oppression which must ensue, if such a mistaken and mischievous example were by possibility to be followed. Again, he would ask, what was the Bill to do? It was to declare that a guinea should not be taken for more than 21, and a pound note for less than 20 snillings. Was not that the case at present? In any shop were not a guinea, and a pound note, with a shilling, equivalent? If his hon. friends would forget their theoretical opinions, they would be aware that this was the case. He had always found it so. He had sometimes to buy, and sometimes to sell; in the former instance, he always procured its full value for a Bank of England note; and in the latter instance, he was always glad to receive a pound note for twenty shillings. Some hon. gentlemen stated the depreciation of Bank paper to be 15 per cent.; others 18; others 20. This very uncertainty shewed the non-existence of the thing itself. He had closely attended to their arguments, and he had never found that they assumed a tangible shape; it was true that the price of meat, and other articles, had increased; but when it was considered that there was an annual revenue of eighty millions raised in the country, that increase of price could not fairly be attributed to any depreciation of currency. The prevalence of luxury, the increase of population, and the enhanced price of labour, co-operated with the enormous revenue in producing this effect; and therefore, although money, in any shape, would not procure so much of a commodity as it might have done some years ago, yet that was no proof whatever of the depreciation of paper. The depreciation, as it was termed, was by some attributed to the over-issue of paper by the Bank of England. This was a most extraordinary supposition. The amount of Bank notes at present in circulation was 23 millions. When the circulation of the country was composed of gold and paper, that circulation consisted of 25 millions of the former, and 10 millions of the latter, making in the whole a circulation of 35 millions. How, therefore, could it be justly contended that a circulation so diminished in comparison as the existing circulation was an over issue? And with respect to the comparison of Bank of England notes with the French assignats of former days, did hon. gentlemen recollect, that if a Frenchman held too many of those assignats, he did not know what to do with them, while, on the other hand, the whole of the paper issued by the Bank of England reverted to the Exchequer four times in the year? The French assignats were a forced circulation—they were issued to supply the deficiency in the revenue. Was that the case with the paper issued by the Bank of England? The Bank directors did not force, they only fed the circulation. They never issued paper but in exchange for good bills, or government security. In his opinion, the Bank had acted most correctly and judiciously; but even when in any instance the issues had been at all excessive, the evil corrected itself. A proof of this occurred during the commercial failures of last year, to relieve which the Bank increased their issues to 25 millions; but in the course of two or three months, namely, from December to February, the relief being afforded it returned to its regular limit. The issues of the Bank were paid for by thos who received them. The Bank did n throw their paper at peoples heads, or stu it down their pockets. Every one wh received it on security paid five per cen for the accommodation: and no ma would pay five per cent. for that whic was not a desirable acquisition. For hi part, he should be as happy as any one t see the country again in possession of mixed circulation of gold and paper But, when he recollected that in 1797 the legislature thought fit to enact the Ban Restriction Bill—when he found that for 1 years after that enactment, the exchange with foreign countries were in favour o Great Britain, and that if any inconve niences were felt from the supposed de preciation of paper, they were at least no complained of—when he observed that i was only during the two last years, in con sequence of the injury which our trad suffered, that the balance of payment with foreign countries, and ultimately th exchanges became against us—and then when he heard gentlemen declaring tha bank paper was depreciated in consequence of the restriction on cash payments at the Bank, and advising that tha restriction should be immediately abolished, he confessed himself wholly at a loss to conceive the grounds on which such a declaration and such advice were founded. As to returning at the present moment to a mixed circulation of gold and paper, it was impossible It would be impossible for the Bank either from the stock of gold which they might already have in their coffers, or from that which it would be in their power to procure from the continent, to maintain such a circulation. It was said, that there was plenty of gold in Europe—but as this country had no free commercial intercourse with the continent of Europe, how was that gold to be procured? What could be given for it? We could not buy gold with gold—that would be useless. We could not buy gold with notes, for notes were for domestic circulation alone. The principal articles of trade in which this country dealt were cloth, coffee, and sugar. But whither could we send these articles? To what port on the continent could they be assigned? Every body knew the difficulties under which our trade laboured, and the impossibility of consigning to the continent such a quantity of goods of British manufacture, or of articles of British produce, as would procure in return a large ntity of gold. Had not an hon. friend is (Mr. A. Baring) who was well vers- in these matters, said that, if he were uired to procure from the continent ten usand pounds worth of gold, he should know how to set about it? What was e done? Why, the country must con- ue to be content with that species of culation with which it had already been tent for 14 years, and by the aid of ich its internal prosperity, at least, had n promoted in an unexampled degree. was on this principle, and with this ling that the bullion discussion termi- ed. But a new question had arisen. A le lord (of whom he by no means in- ded to speak disrespectfully) had de- red that he must have gold from his ants in payment of their rents; and s he had declared at a period when re was no gold in the country, and when fourteen years all the internal transac- ns of the country had been satisfacto- y carried on by a paper currency! The ble lord's leases had been granted since passing of the Bank restriction bill. e would ask any man who heard him, d who had granted a lease since the actment of that measure, whether he had er expected the rent under such a lease be paid in any thing but paper? Certainly t. But what was to be done? Why, the te- ntry of the country must be protected. ey must be defended from the liability having their goods taken out of their uses because they did not pay that hich they could not get to pay with. nd were landlords to be allowed to dis- ain for rent if their tenants did not pay gold, what would they procure by such straining but paper? In this state of ings, it was the duty of parliament to pro- ct those who demanded, and who deserved eir protection. He was persuaded, that e never should regret the vote which it as his intention to give on the present casion. He was never more satisfied ith any vote which he had given in his fe, than with that which he had felt it is duty to give on the bullion question, lthough in that, as in the present instance, is sentiments were in direct opposition to ose of many of his hon. friends. He egged those hon. friends to consider what ight be the effect of leaving the whole enantry of Great Britain in the state of ncertainty in which they at present stood. ven suppose a landlord could extract uineas from his tenant, what would he o with them? he must either melt them or export them. He must send them either to the crucible or to the coast. The House had heard, indeed, that the Irish market would be open. That might be. But even in that case he did not think that an English gentleman would be well employed in extracting gold from his tenants at a loss to them of 20 or 25 per cent. in order to send it over to Ireland, from whence it might return to serve as a fresh means of oppression to fresh landlords. With respect to the noble lord, in whose intimation to his tenantry this measure originated, he could not but consider that the intimation must have proceeded from the pride of authorship. The noble lord had formerly written a great deal on the probable depreciation of paper. After five or six years, finding that things went on as smoothly as ever, he had probably exclaimed, "How unfortunate that I cannot get a practical illustration of the depreciation of these abominable Bank notes? I will even risk an example myself; not for the sake of what I may gain by it, but to establish my credit as a writer." He had no doubt of the many excellent qualities which lord King possessed; but he was persuaded, that in the present instance he had forgotten the noble lord in the author.

Mr. *Brougham*, adverting to the recommendation by his hon. friend who had just spoken, to other hon. gentlemen to forget their theories, and to consider the subject singly and practically, lamented that his hon. friend had not followed up his own principle, and had not applied his excellent understanding solely to the Bill before the House. Instead of that, his hon. friend had indulged in details on the general subject; a subject out of which the present measure arose, as the presumed necessity for it was unquestionably occasioned by the rejection of the Resolutions of the Bullion Committee, but which, in any other point of view, was not only unconnected with the consideration of the present Bill, but in some degree foreign to it. His hon. friend had furnished answers to his own arguments. For instance, he had told the House (and the whole of his speech was erected on that foundation) that Bank notes were not depreciated; for that guineas and notes had equal power in the procuring of the various commodities of life; and he then urged the necessity of parliament's doing that by the present Bill, which, if his premises were true, was already done to their hands!

—In what he should do himself the honour of submitting to the House, it was his intention to restrain himself to the specific measure before them, and to confine his observations to that novel and portentous attempt at legislation, by which it was endeavoured to introduce ideas (for he could not call them principles) that had never before been thought of in parliament, ideas more wild and chimirical than any with which the maddest visionaries of France, amidst all their extravagant and impracticable speculations, had tormented that unhappy country. The present was a Bill to legalise injustice; to enable one of the parties in a contract to escape the obligation into which he had entered, and to defraud the other party. He availed himself of the earliest opportunity of entering his feeble protest against such a measure. He opposed its principle, a principle so radically bad, that it was impossible for any change which might take place in the Committee (unless, indeed, that change were to go to the omission of the whole Bill, for the purpose of substituting something of a nature directly opposite), to render the Bill in any degree tolerable. With respect to the origin of the measure, he had nothing to do with that. He did not believe it to have been such as the House had heard that it was. He believed it was a mere pretence to say that this Bill was occasioned by lord King's intimation to his tenantry. Let the House recollect the history of the Bill. Let them recollect that, although introduced on the affected ground to which he had alluded, it originally possessed no provision applicable to the case which it professed to meet, but was distinctly directed against that deficiency in the law (a deficiency which he trusted would long exist), that occasioned the acquittal of De Yonge and Wright; it was calculated to force the circulation of paper, and to make that law which the Judges of England in the cases that he had just mentioned, had declared was not law already. Subsequently and incidentally came that clause, the provision against the distraining for rent, by which it was attempted to defeat the just object of lord King and of those who might be induced to imitate him. His first objection to the Bill was, that it would be ineffectual in securing the object which the supporters of it pretended to have in view. It would be strong only in mischief. It would interfere with private contracts; and it would enable a fraudulent debtor to be unjust to his credit As had already been said by an h friend of his, any person who wished make a profit by the sale of guineas mig do so, with as much facility if the B passed as he could at present; for all would have to do would be to export the guineas to Ireland, then to sell them f bills, for which he would afterwards r ceive their specified value. And even the clause were omitted by which the e tension of the provisions of the Bill to Ir land was prevented, still the Bill would b inefficient. For what would it do, b take from lord King, or any other landlo who might be disposed to follow his e ample, merely one of the means which h had in his power to secure himself fro fraud? As to the noble lord in questio his character had nothing to do with th question; but he would not abstain fro expressing, not in that noble lord's pr sence, but in the face of those by who he was censured, his high admiration his lordship's talents and qualities. Bu this feeling had not any thing to do wit the discussion of the subject, and laying wholly aside, therefore, he should pro ceed to the discussion without any pa tiality of that nature. He repeated wha would the clause of the Bill before th House do but simply prevent a landlor from distraining for rent, should his tenan refuse to pay him, according to his con tract, "in the good and lawful money o the realm?" Every other mode of pro ceeding was left to the landlord. H might still, on the non-payment of hi rent for half a year, in conformity to th terms of his lease, eject his tenant; h must subsequently obtain judgment; h would then recover the lease which h had granted; and would not that be sufficient power in his hands? Would no that make it compulsory on the tenant t pay in the fair and just manner which hi landlord might prescribe? And wha would be the case with other debtors They would be in the same situation a tenants, and yet the Bill did not propos to relieve them. It did not propose t relieve the trader who had borrowed th funds by which his commercial specula tions were sustained. It did not propos to relieve the annuitant, the widow the orphan: in fact, it could not relie any of these. When a creditor, proceed ing at law, in the event of his debtor r fusing to pay in the lawful money of th realm, obtained judgment, which he mu

ntually do, he had it in his power, and
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in the most corrupt time of the British
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late the law, and to assist in cement-
that unnatural union which had so
g existed between the Treasury and
readneedle-street. The idea made him
dder; and he fervently hoped that
set of men in this country would ever
ve such a "consolation," as it had
en termed. He was convinced that the
lted characters to whom he alluded had
en shamefully traduced in the very sup-
sition that it was possible they could so
nfort themselves. If they had been so
posed to truckle to the base association
t he had described, the country would
be now exulting in that decision,
ich had pronounced De Yonge and
ight innocent. Let not the framers or
porters of the bill trust to Westminster
ll for extrication from their difficulties.
them not trust to courts of law, or to
rts of equity. The former would not,
latter dare not assist them. They
st have recourse to some other mode of
ceeding; and what proceeding re-
ined to them, but to make Bank notes
a legal tender, he knew not. By having recourse to this expedient, they would enable every man who had entered into a contract to get off by doing something very different from that which he had engaged to do, namely, by paying in paper the sum which he had engaged to pay in gold, all debtors would so get off. Among others, the public creditor, who receiving from the Treasury a certain sum in paper as the payment of his loan to government, would no longer be liable to pay his creditor in gold, but would be enabled to visit on his creditor the injustice which he had experienced in his own person. If he possessed 6,000*l.* in the 5 per cents (the case supposed by his hon. friend) and rented a house at 300*l.* a year, he might certainly receive 300*l.* from government with one hand, and pay to his landlord with the other. But suppose his lease were expired, or suppose he had any fresh bargain to conclude, did his hon. friend suppose that this public creditor would be placed in a better situation by bank notes having been made a legal tender? The morning after they had been so made a legal tender, would not the butcher and the baker raise their prices upon him? Would not his landlord, if his lease were expired, raise his rent? Would not all these people reply to his remonstrances, "No, no, you are protected by act of parliament; you may pay us in Bank notes at a depreciated value, and it is compulsory on us to receive them; you must give us an higher price than when we had an option on the subject?" Would not this be the language held to the unfortunate public creditor? How, therefore, would he be protected? Individuals who were employed in industrious occupations might thus relieve themselves from the evil of the measure, which would press with accumulated weight on those who had not the means of exertion—on the small annuitant—on the aged—on the widow—on the orphan. These having received their pittances in a depreciated currency, must be compelled to purchase articles raised in price in proportion to that depreciation. The present Bill as it stood could by possibility only affect past contracts. A clause should therefore be introduced to render it applicable to future contracts. There were great precedents for such a proceeding. There was the law of usury, and there was the example of France. Nevertheless it would be useless, for what would be the consequence?

No contracts would be entered into. No leases would be granted. Parliament must then go one step further. It would be the last step; but it would be so like the former steps, that they would probably feel no difficulty in taking it. They must enact the law of the maximum. By tha alone could they effect the object which they had in view. Whether any minister would be found bold enough to assert or any man blind enough to believe, that by a maximum Great Britain, more than any other nation that had adopted such a measure, could escape famine and confusion; famine which no bounty of Providence could relieve, and confusion which no accumulation of armies could subdue.—Whether, he repeated, any man would be bold and blind enough to recommend a proceeding which must necessarily be followed by such direful consequences, he should be better able to say with certainty, when he should hear some one of the defenders of the Bill argue in its support. If any such attempt were really to be made, he trusted that the immediate, and the signal ruin of the author of it, would prevent the not less certain and utter, though perhaps the less immediate ruin of the landlord. Twenty-two years from that very day had commenced those events in a neighbouring country, which in their consequences had proved so fatal to liberty. Those events had commenced with an insidious and pretended solicitude for the tenantry of that unhappy country. War had been declared against the palace, and peace promised to the cottage. The palace had indeed been razed, but into the cottage had been introduced, not peace, but the scourge of military conscription. If any thing could awaken, on the anniversary of such an event, the feelings of horror and detestation which the lapse of time had nearly lulled to sleep, it would be the no less insidious, and the no less pretended solicitude for the lower orders, which was manifested on the present occasion. He besought the House to consider whether, in the history of that dreadful revolution to which he had alluded, there was one enormity in the black catalogue of crimes so revolting to English justice and English feeling, as the disregard of the rights of private property, the interference with the contracts of individuals, the establishment of a compulsory currency, and the denunciations of vengeance against those who refused to accept it? It was such proceedings as these that excited horror and detestation in all good min and yet it was such proceedings as th that a commercial country like Gr Britain was called upon to imitate! I said a commercial country, not because thought that if Great Britain were no commercial country, the example France would be less inapplicable to he but because if, even in France, the evils interference with private property were sensibly felt, how infinitely more i tolerable would they be, and how mu more ought we to dread the introducti of any semblance of that interference this great manufacturing and mercant country, the resources of which depend so vitally upon the preservation of go faith between man and man? "But," sa the right hon. gentleman opposite, in triumphant tone, "what then is the r medy which you propose for the existin evils?" In the first place, he must prote against such a question. If a public me sure were proposed for his adoption, an in the due exercise of his judgment I should be persuaded that it would be fat to the public, would it be necessary th he should hold his peace, and absta from expressing his opinion of such measure until he had something to pr pose as a substitute? If he saw poison c fered to an invalid under the name of cure, was he not to interfere and proclai the deleterious quality of the affecte remedy, because he happened to hav no beneficial drugs of his own to admin ter? He did not feel himself called upo to declare what in his opinion woul be the best course to pursue; at th same time he had no objection to do s He had no hesitation in describing th substitute which he would recommen for the proposed measure. This subst tute was neither more nor less than place the country precisely in the sta which it was the object of the Bill prevent. He meant to induce the esta blishment of two prices for commodities a money price and a paper price; the re lation of which should not be fixed b law (God forbid that it should be so but should vary, in conformity to circum stances; rising, or falling, in proportio to the comparative scarcity of the on article, and abundance of the other. Tha this proportion nothing could be mor simple, nothing more effectual. It woul render all pecuniary transactions so clea and intelligible, that any one who coul count two and two, would be eabled t mprehend them; and to estimate the fair oportion between the two descriptions payment. It would be in vain for him run over all the advantages which the option of such a proceeding would af- d. But, in the first place it would be d, that this double price was the very l which the measure of 1797 was callated and intended to avert. True, and was ready to admit that before the rrency of the country was diseased to present state, such an occurrence might rly have been termed a disease. But der the present circumstances, and now at the Bank restriction had passed, it ould be the only effectual remedy, hower the necessity of applying a remedy powerful might be lamented. In the st place, were such a state of things cablished there would be no difficulty in ocuring gold. He did not mean to disrb the repose of any of the Resolutions which the House had been persuaded to me on the Report of the Bullion Committe; that subject had been "set at rest," as e right hon. gentleman opposite called If a guinea could be exchanged for real value in paper, namely, 26 or 27*s.* e consequence would be, that as often guineas were wanted they would be d. It would not be necessary that a an should go about with notes in one ocket and guineas in another. For many urposes notes would have the preference guineas; but what he intended to say as, that were two prices established, if it ere at any time necessary to have guieas, they might be obtained as easily as ey had been obtained by De Yonge or Vright or others, who had recently been afficking, as it was generally supposed egally, but as it turned out, without any olation of the law. We might procure old by the same means by which we at resent procured wine—aye, the wines of rance, where the restrictions on comerce with this country were most rigidly nforced. The right hon. gentleman oposite seemed to smile at this, but nothing as more evident. Certainly gold could ot be obtained for nothing, nor could it e obtained for bank notes. But he reeated (for he would not abandon his lustration, notwithstanding the amusing erriment of the right hon. gentleman,) might be obtained in the way in which rench wines were at present obtained. How was that? By sending over commodities, and bills of exchange arising out f commercial transactions. The same means would procure gold as well as wine: with this advantage, that the one article could more easily be concealed from the vigilance of the custom-house officer than the other. When to this was added the consideration of the Spanish colonies, to say that gold could not be procured in considerable quantities, if required, was to treat like a child the person to whom the assertion was made. Another advantage which must result from the establishment of two prices would be, that it would prove a constant and unerring test of the depreciation of paper. In this point of view it would be advantageous to all parties. It would be advantageous to the bank directors. It would be advantageous to government. It would be the very pulse by which the true state of the circulation would be estimated. Suppose the pound notes were found to exchange for sixteen shillings, then for fifteen shillings and ten-pence, then for fifteen shillings and eight-pence, and thus to be gradually depreciating, the evil would not be permitted to go very far; the bank would diminish their issues, and the paper would get up again. When the pound notes rose to nineteen shillings, parliament having certain access to the knowledge of this fact, might repeal the 37th of the king, and enable the bank to pay in specie. He confessed that he should like to see that great corporation in such a situation. They affected to have it believed that the restriction on their payments in cash was compulsory on them, and that they should have enjoyed doing so very much, if the legislature would have permitted them? They would have it believed that the restraint upon the satisfying the just demands of their creditors was a violence to their gentle natures! If the pound note were at nineteen shillings, and the bank restriction bill were repealed, he should be curious to see whether or not the bank would manifest any anxiety to satisfy these just demands. Certainly, if paper was to be at par with cash, then even the bank would feel no difficulty on the subject, and the circulation of the country would be restored to the health which it enjoyed before that ill-advised, and he feared ill-fated measure, the restriction. The project he wished to submit to them was this: That the overplus of the profits of the bank company, above that which was necessary to pay their dividends at present, should be put by, and not allowed to increase their dividends, and raise the price of bank stock from 230*l.* to 270*l.* to 280*l.* to 290*l.* or to 300*l.* He would have the overplus of their profits put by to form a separate fund, to be placed under the care of persons appointed by parliament. This fund he would have shut up from the company, but as soon as they were willing to resume payments in specie, it should be thrown open to them, and then he should be glad to see the price of bank stock rise from 230*l.* to 500*l.* or 1,000*l.* if it were possible, after settling their debts and paying their notes in cash.—Having said thus much of the remedy which he felt it to be his duty to recommend, he would now advert to that remedy which he feared would one, and no very distant day, be proposed to the House with a much better chance of success by the right hon. gent. opposite. It flowed so directly from the principles avowed by that right hon. gent., that he marvelled it had not been already brought before them, and laid his account in its speedy annunciation. They had been told that the bank note was not depreciated, that the guinea for circulation bore no premium, and that the price of provisions were increasing but in a natural way. That which some persons viewed as a depreciation of bank paper, they had been told was neither more nor less than that state of things naturally growing out of the public expenditure under existing circumstances. He would not stop to inquire into the fact of the depreciation, but leave it altogether to those who contended there were no grounds for such an assertion. Giving up this, however, it followed, if the arguments made use of by the friends to the present system were good, that there was a way to relieve the country with ease and with speed from its present embarrassments. Let them take 2 or 300 millions from the national debt. Let them fearlessly apply the sponge at once. Twelve or fifteen millions a year, would thus be taken off the taxes. Such a measure, it was true, would affect the property of the public creditor; but if the public creditor no longer did take a full hundred pound for his dividend—say, such a change were made, that instead of 100*l.* he received but 50*l.* still, if the reasoning they had heard was correct, he would not be injured by the new arrangement. If there were any truth in the arguments advanced, to account for the present high prices, it followed that those prices must fall when such an alteration were made, and the public creditor could not be injured, if he could command as much wit the 50*l.* he received as he formerly coul with the 100*l.* he was in the habit of taking as his dividend. If it would press thu lightly on the public creditor how woul such a proceeding affect the rest of th community? They must experience very great benefit from such a measure They would not only be bettered so muc as they were relieved by the reductions o the taxes, (which alone must be great, a their incomes would not be affected lik the income of the public creditor) but the would also be benefited by the fall of th prices of all commodities, which must follow the measure, if there were one *iota* o truth in that which had been advanced b those who contended there was no depreciation of the Bank of England paper It remained for the gentlemen opposite t say why they did not accept this challenge, and adopt such a measure as tha which he had described. It was for them to give their reasons for declining it, bu he (Mr. Brougham) had a right to cal upon them to go into the question, and to relieve the country from the embarrassment of its currency, by acting on thei own principles. If they did not do this he had a right to say they did not believe that which they themselves had advanced, or that they were a set of theorists, who were afraid of acting in conformity with their own doctrine. He did not think it would be expedient, this session, nor did he think the Chancellor of the Exchequer, bold as he had been said to be, and great as was his fortitude in calmly regarding the distresses of others—he did not think that he would soon rise to propose a measure, which even the arrogant mind of his predecessor shrank from—a measure for opposing the legitimate claims of the public creditor. They had not only the example of France before them, but also that of other countries, which bore a still greater resemblance to that situation in which this country would be placed if the Bill before the House were passed into a law. They had the history of the coinage of other countries. That of the states of Germany would be found not inapplicable to us, and more especially the history of what had taken place in Prussia would come home to our case. The king of that country being engaged in an expensive war, and not wishing or caring to square his expenditure by his means, notwithstanding all he gained by seizing on Po-d, (an action which, for atrocity, was second even to our Danish expedition), been placed in a situation of pecu- ry embarrassment. Thus circumstanc- having no bank to fly to, Frederick s under the necessity of having recourse a measure somewhat similar to that at esent contemplated by the English go- rnment. There were two ways of mak- g money pass for more than it was ac- lly worth; the one by raising its de- mination, the other by debasing its ndard. The latter was the expedient which Frederick resorted. He debased e standard, and, by doing this, he pre- ntly extricated himself from many of s embarrassments, and was enabled to scharge many of his debts. So far all as very well. Things did not, however, ntinue long in this state of prosperity. y degrees, that which passed for a shill- g, instead of appearing white, began to sclose some shades of grey. From grey made a transition to brown, and last of ll the copper itself made its appearance. was then found necessary to issue a pro- amation to over-rule the opposition of e people, and make this base money a gal tender. The consequence was, in all ture contracts, as the law of *maximum* was ot introduced, the prices of all commo- ities were enhanced in proportion as the oney was debased. Such would be the tuation in which this country would pro- ably stand after the adoption of the mea- ure then under discussion. The plan of Frederick had an advantage over this pro- ect. It was not discovered till about a ear and a half after it was resorted to, nd it was of some efficacy for two or hree years. The measure to be adopted here would have no such advantage, as it was seen through at once. His differed from ours very materially. The one was a case of open fraud, the other resembled privately stealing. Such a system of po- icy had ever been considered as the most raudulent that could be adopted; and was his the sentiment now to be inculcated in his country, where such profligacy of principle had never been tolerated before? On this occasion he felt not only for the public and the parliament, but for the character of the law itself, which he considered as in danger from such an erroneous policy. He trusted the warning which had been given to ministers would have its proper effect, and that they would not go farther than the brink on which they then stood; but if no warning could deter them from rashly proceeding—if no representation of the danger could check, and no admonition restrain them in their course—with deep melancholy, he should augur ill to this country, and see much to fear from so ominous a commencement of a new reign.

Mr. *Milne* observed, that the hon. gent. had gone into so much general matter, and filled his speech with so many reproaches against ministers, with so many alledged charges against judges, together with a plan for winding up the national debt at one stroke, that it would be wandering from the question to pretend to follow him. Before the decision of the judges in the cases of De Yonge and Wright, it had been imagined that the traffic in guineas was illegal, in the manner it had been carried on by those persons. But as the judges had decided that such a traffic was not illegal, he presumed the object of the present Bill was to supply the defect. He approved of it, as it shewed that the government was resolved to try all milder measures, before they resorted to the compulsory one of making Bank notes a legal tender. While they received these notes in payment of taxes, they were resolved not to allow any individuals to take them at a depreciated rate. And, as to the high price of bullion, that was the consequence, not of depreciation, but of the embarrassed state of the country. If they did not at once resort to the legal tender, it was only because they imagined the evil would stop here. If the example of the noble lord who had demanded his rents in gold were followed, the legal tender must be adopted. When suspicion was abroad—when the tenantry and yeomanry were to be imprisoned—in that convulsed state of things, this measure must be resorted to. The Bill he thought highly useful, even in its present shape, but still it might, in some respects, be altered and modified with advantage. There were two cases upon which it was intended to operate; first, upon bargains and sales, which were completed at once; and next upon standing contracts. He understood that a case had happened, where a man bought some land from another for 400*l*. and paid down 100*l*. of the price. When the purchaser had built upon the premises, and otherwise improved them, the vendor demanded the other 300*l*. in cash. This was most unjust, and such frauds ought to be prevented. He should propose, therefore, that there should be a provision in the Bill, requiring that those who intended to demand guineas in payment, in any bargain, should give public notice beforehand of their intention. As to the case of a subsisting lease, there might be more difficulty in finding a remedy against undue demands: but he had two remarks to make on that part of the subject—first, that whatever rule the noble lord adopted, with regard to others, he ought not to object to its being applied to himself; and secondly, that the state was as entire and perfect as the persons of whom it was composed. It followed that the payments of the noble lord to the state ought to be made in the same way as he himself exacted payments from others. Upon the noble lord's own scheme, he, in nine taxes out of ten, did not contribute fairly to the public. He was aware that the Bank notes had been made a legal tender to the tax gatherer, but it had never been in the contemplation of Mr. Pitt or of the legislature, that the revenue should be deteriorated. As the Property tax was imposed *ad valorem*, the contribution there would be fair enough; but in Assessed taxes, in Excise and Customs, the noble lord upon his own plan did not contribute fairly. How did he pay for his servants, his horses and carriages? How did he pay the duties upon the chief articles of consumption, his salt, his coals and candles? How did he pay his wine and malt duties? In a depreciated currency. And upon what ground could he claim an advantage which he refused to others? None of these taxes were paid according to a fair proportion upon the noble lord's own scheme. Where, then, would be the injustice with regard to the noble lord, if the Chancellor of the Exchequer were to calculate the depreciation of the taxes, and compel his lordship to contribute according to the real value? He should like, therefore, to see an enactment compelling every landlord who demanded his rent in guineas, to pay his taxes in guineas. Taxes amounting at present to 40 millions might by this means be raised to 50 millions; and he would ask those who were loudest in praise of the noble lord's conduct, whether, if this expedient were adopted, there would not speedily be an end to the cry of depreciation? He should be glad then, that every landlord demanding guineas should be obliged to pay to the state in guineas. The noble lord himself could not object to this plan, and it would be as easy in practice as just in principle. It would be safe and satisfactory, however, at first to try it upon a small scale. Suppose it were enacted in the first place, that the assessed taxes should be paid in gold. He really wished to have some enactment of this kind, for every thing was to be tried before the Bank notes were made a legal tender; and this plan was highly equitable, and easy of execution. This, he apprehended, would prevent persons joining, in any great numbers, in this act of suicide. Why was it that the wealth of the noble lord gave him more consideration in society, than equal wealth would do in Poland, and many other countries? The greater security of property in this country. The landed property here was not only free from spoliation, to which it was subjected in other countries, but had been peculiarly favoured in comparison with other kinds of property, even in this country. The landholder had a great advantage over the annuitant—the West India proprietor—the merchant and manufacturer, upon whose exertions the value of land itself in a considerable degree depended. He was grateful for the advantage he had enjoyed, and thought that a land-owner ought to be the last to sit down and make a cold calculation about depreciation. He did not mean to insinuate that the noble lord had been actuated by any improper motive; he understood that his heart was as excellent as his attainments were high; but he had been the means of stirring up a most mischievous question; and from his high character it was to be feared that his example would have the greater effect. Did the noble lord think that he was acting for his own interest? If he did, he was mistaken; for the interests of every description of persons of property in this country were so intimately connected, that no one could injure one species of property to any great extent without injuring the rest. The noble lord was like the flying philosopher in Johnson's Rasselas, who, after spending his whole life in studying the laws of motion, and the wings of birds, at length made wings for himself, and, attempting to fly, was in one instant precipitated to the bottom. The observation of an older philosopher, one of the wise men of Greece, that an injury to one of the lowest members of the community was an injury to the state, deserved the attention of the noble lord d others. Injustice to the tenantry of e country would be an injury to the ublic interests; and the House could t in equity and sound policy refuse to rotect them. The Bill had his complete pprobation.

Sir *T. Turton* stated that he had ob- cted to the resolutions of the Bullion ommittee; first, because he was averse the specification of any particular time r the resumption of cash payments by e Bank, and next, because he did not be- eve that Bank notes were depreciated. pon the same ground he opposed this ill, for if it passed, the public would immediately think that there was no doubt ut that the notes were actually depre- iated. He was convinced the motives of e noble lord who had been the cause of his measure, were good; but the effect of is example, if imitated, would be dan- erous. The notice was the most extraor- inary he had ever seen; it assumed the act that a depreciation had taken place. But the noble lord had no right to take hat for granted. What was depreciation? Depreciation, he apprehended, existed wherever the real value of the circulating medium was less in common estimation han its nominal value. If in the common ransactions of life, a Bank note was reckoned less valuable than 20*s.* he should allow that there was a depreciation. But as to the high price of bullion, he thought hat no proof whatever. Gold, like other commodities, would be high or low in price according as it was in greater or less abundance. Suppose wheat were at 80*s.* a quarter, and barley at 40*s.* two quarters of barley would at this rate purchase one of wheat. But suppose that from a scarcity of wheat the article rose in price, two quarters of barley would no longer purchase one of wheat; not because the barley had depreciated, but because the wheat had risen in price. The idea of ministers at first was, that this project of the noble lord would not be imitated; but when they found his conduct was defended by other persons of the highest consideration, they thought it necessary to pass this Bill. But had any of those persons actually imitated the example? In his opinion the ministers should have done nothing. The noble lord would distrain; but what would he get from the sheriff? Why, Bank notes, for gold was not to be had. Some said there was no difficulty in procuring bullion, which might easily be converted to guineas. This would be rather a difficult operation for farmers living the distance of 150 miles from London; but then it was said they might refuse to sell their commodities for any thing else than gold; then they could not sell them at all. When they saw 14 millions in specie going out of the country for corn and for our army in Portugal, could there be a doubt of the scarcity of gold? Gold, it was said, might be had from France as easily as claret; but how was the claret paid for? With guineas. And how must the gold be paid for? With guineas. He saw no great advantage in an operation of that kind. He knew too well the liberality of mind which belonged to the noble lord, to think that he would proceed to extremities; but if he did, his example would not be so seductive as to be generally followed. The tenant would be protected by public opinion—and there the matter ought to have been left; but if the ministers did any thing at all, they ought to make the Bank notes a legal tender at once, for the present Bill did not afford them protection. The effect of the present measure would be, to make people see danger where they were not conscious that any danger formerly existed; and also to establish two prices. With the view he had of the measure, he should have been of the same opinion, had he been in the House in the year 1797. Till an inconvenience arose, he saw no occasion to provide a remedy for it. The present measure, to his conception of it, would produce consequences as injurious as could well be imagined. He was sorry ministers had not allowed matters to take their course, and suffered the noble lord to have tried the plan he proposed, a plan which he was persuaded he would not have persevered in, but which, if he had attempted to go on with it, would have been found impracticable. The Bank of England, in his opinion, was perfectly solvent; and the only effect of the present measure would be to bring them into jeopardy, if not to involve them in ruin. If Bank notes were once made a legal tender, then they would be like the French assignats, and might be increased to 100 millions, or more.

Mr. *Rose* understood the hon. baronet to oppose the Bill, from an idea that it was unnecessary, as he conceived it to be very unlikely that the example of the noble lord would be followed to any extent. Now, after what they had heard in defence of the principle and of the practice of that which the noble lord was about to do, he thought it was rather too much to suppose it certain that his lordship's example would in no case have been followed. He had the greatest respect for lord King, and he thought every one must admire his talents after reading his late publications. The example, however, which his lordship had set, he conceived to be of a most dangerous tendency; and the Bill before the House, far from having any thing in it that could cause those inconveniences to arise which some gentlemen anticipated, was in his opinion, likely to prove highly beneficial to the country. Its first fruits, he conceived, would be seen in its relieving the tenant from the harsh treatment of his landlord. He did not wish to impute harsh conduct to lord King, but it was not improbable that his example had been followed by persons who were actuated by less honourable motives, who, encouraged by the applause with which that conduct had been greeted, might have taken that opportunity to oppress those in their power, expecting to meet with the same countenance. The hon. and learned gentleman, in speaking of tenants, had expressed himself in a very extraordinary manner, calling them fraudulent debtors, and contending that it was but just that they should be called upon to pay their landlords in cash, as they were supposed to have regulated the prices of the produce of their land, by a reference to the alleged depreciation of Bank paper. In his opinion, the man who granted a lease at 100*l.* per annum, and then a few years after called upon a tenant to pay 120*l.* on such ground, was guilty of oppression. With such oppressions he by no means meant to charge the noble lord. The hon. and learned gentleman had said, the remedy was quite easy, and had taken occasion to make some observations on the courage displayed by ministers. He hoped ministers would always have sufficient courage firmly to oppose the designs of our implacable enemy. His efforts to ruin this country had thus far proved abortive. We had foiled him in arms; and now, finding us as resistless on land, as he had proved us on the ocean, all his energies were directed against our finances. He had for this purpose had recourse to measures which had never been resorted to in any former war. Not only had he exerted his utmost influence to shut us out of all the ports of the continent, but he had burnt and confiscated our merchandise wherever he could find it, and to injure our credit, prevented the payment of bills on this country, when the parties concerned were desirous of paying them, and returned them to the drawers. With respect to what the hon. and learned gentleman had said, as to the possibility of getting a supply of gold in the same way as we got a supply of wine, he contended that it by no means followed, because a cask of wine could be procured, that a cask of gold was to be had with equal ease. The tyrannic system adopted by Buonaparté would not even suffer the commercial debts of merchants to be paid. But the hon. and learned gentleman said there was plenty of gold to be got in America, and the mines of Spain and Portugal were open to us. How was it to be got? Would they give it to us? If not, how did the hon. and learned gentleman think we could obtain it, when he had been told that the markets of Spanish America were so completely supplied with British produce, that they would not take a single bale of goods from us, and could not be expected to afford a mart for our merchandise for some time. How could the hon. and learned gentleman think we could get gold from that quarter, under such circumstances? Did he suppose they would give it to us, or did he wish us to commit an act of piracy, and seize it by force? If, however, it could be gained, what advantage would be derived to this country? He would suppose for a moment that it could be gained; if 5,000 ton of gold were now imported into England, coined, and put into circulation, while gold continued at its present high price, we should still be in our present condition, as not a guinea would remain in circulation. The guineas would vanish as fast as they were issued from the Mint, be melted down, and again exported as bullion. What benefit, then, could result from thus procuring gold, even if it were practicable? The hon. and learned gentleman, while censuring the present circulating medium, had not said what he would wish substituted for cash in the absence of bullion. Would he have no circulating medium? Notwithstanding the increase of our commerce, there was a smaller quantity in circulation now, than there was twelve years ago. In 1798, it amounted to 50,000,000*l.*; 40,000,000*l.* in gold and 10,000,000*l.* in notes. It was not easy to say what was the exact amount of the gold in circulation now, but he thought must be a sanguine man indeed who ıld suppose it to exceed 5,000,000*l.*; ll reckoning the amount of our paper culation at thirty millions, still it would seen there was a considerable diminu- n. Under the present circumstances, the Bank to resume cash payments was erly impossible. They could not do it. ey could not get the gold to pay, and if ey could, it would be useless, as there uld be no more left in circulation than ere was amongst us at present till the ice of gold was lower, that it might be ought into this country in large quanti- s, which could only be caused by a ange in the circumstances of the conti- nt, it was proper to continue the Bank estriction Act in force. With respect to at had been said as to the increase of ices, he had it from gentlemen on whose formation he could depend, that the ices in France and Italy kept pace with ose of England, and that the deprecia- on of money in France was greater than England. The prices all over Europe d not materially differ in their advance om the prices in England, and this he ok as an argument to prove that farmers nd others did not charge for their pro- ıce as was supposed with a reference to e alledged depreciation of Bank paper. Vith respect to what had been said of the roperty of the public creditors, he knew f nothing which could be more revolting the feelings of parliament than to inter- ere with that. The Bank notes and as- gnats he asserted to be as totally diffe- ent from each other, as any two things in ature possibly could. As to the learned entleman's plan for forming a new fund vith the profits of the Bank Company, if e could be sure that this could be pro- erly done, he should have no objection o it. He wished to see payments in cash esumed, but under existing circumstances, nless gold could be brought into the ountry (as some seemed to think it could) y a sort of witchcraft, it was impossible or the present.

Mr. *Brougham* explained, that he referred to the striking off two-thirds of the debt due to the public creditor, not as a proposition of his own, but as the grossest, most fatal, and most unjust of all expedients, but yet as one likely to result from the measures, the perseverance in which was recommended on the other side.

Lord *Folkestone* said he was at a loss how to judge of the present measure, as among the variety of persons who approved of it, there were not two who did so on the same grounds; on the contrary, every second person who supported it, did so on grounds exactly opposite to the person who preceded him. All of them agreed, however, in the abuse of lord King. It became the duty, therefore, of those who differed from them on this head, though it was by no means a fit subject of debate, to stand up and vindicate the noble lord. Gentlemen had talked of Jews and pedlars; of oppressed tenants; and even of dishonest landlords. Before gentlemen talked in this stile, however, they should first have made themselves masters of the subject. The noble lord did not require gold, but such an amount of paper as would be sufficient to purchase that which he had stipulated to receive. In his leases, the noble lord stipulated that his rents should be paid in good and lawful money of the realm, which Bank paper could not be in the eye of the law, till the right hon. the Chancellor of the Exchequer should come forward with the second measure which he had given the House reason to expect—namely, till he should make Bank notes a legal tender. Was it not known that every person made any thing he had to sell dearer and dearer, in proportion to the depreciation of paper. Neither in law nor in justice, therefore, was the noble lord entitled to be loaded with this abuse. In one part of the country there had been a practice of taking payment of rents in gold, and he saw nothing unbecoming in the noble lord's here demanding it in gold, at least, in something which should not be depreciated. An hon. gentleman opposite (Mr. Milnes), however, would represent that the noble lord had not only acted in an unbecoming manner to his tenant, but that he had even cheated government. It was proper, however, that that hon. gentleman should know, that by the very Bank Restriction act, Bank notes were made a good tender for taxes.—The noble lord said he should not proceed to examine the budget of the hon. gentleman farther than this, that it was inapplicable in point of law. With respect to the law itself, it seemed totally ineffectual. It was intended to remedy any idea of harsh treatment by a landlord towards his tenants: but was it calculated to attain the object? It only took from the landlord one remedy; namely, the proceeding by distress, a clause to which he did not object; but still the landlord might proceed to judgment, and make the tenant ultimately pay in good and lawful money of Great Britain. Lord Alvanley had been decidedly of this opinion: and having heard it doubted, he hoped the House would hear some of the gentlemen of the long robe on this point. The present measure was objectionable, in as far as it was an extension of the act of Edward 6, which, after grievous vexation practised on a poor Jew, who was supposed to have violated the enactments of the act, had been decided by an unanimous opinion of the twelve judges not to be binding, and to be inapplicable to the case.—The noble lord proceeded to take a view of the state of things at the time of the passing of the act of Edward 6, and now. Then, the gold and silver coin of the country was greatly deteriorated, so much so, that persons would not bring their commodities to market. Proclamations were accordingly issued, fixing the rates and prices of every commodity, and also prohibiting the exchanges of gold and silver for more or less than the rate at which they were made current. This he stated from the late lord Liverpool's Letter on Coins; and he warned the House to pause before they did any thing which might render it necessary for them to fix a maximum of prices. He begged them to consider that they were laying the foundation stone of a system which might involve the country in ruin. He entreated them to open their eyes in time to the mischiefs of this proposition, and not to entail on the country calamities similar to those which ensued in the time of Edward 6. It had been roundly asserted by gentlemen on the other side, that there was no depreciation of Bank paper. The high rate of exchange against this country; the high price of bullion; and even the fact of lord King's having demanded his rents in good and lawful money, were circumstances that proved depreciation. But if paper was not depreciated, and if this was only a device of the noble lord's to prove that his ideas on the subject of political economy were correct, why fear that his example should be followed? Or why pass this law? First, the Bill now nursed and fostered by ministers, was objected to, and the letter of that noble lord was represented as foolish, and even odious; the noble lord's notion was conceived as merely theoretical, and it was declared that nobody would follow his example. If ministers were still of this mind, why pass the present Bill? If, on the other hand, they now admitted that others were likely to follow the example of lord King, then did they equally admit that Bank paper was depreciated.—The noble lord proceeded to shew that there were two kinds of depreciation of paper currency; the one arising from excessive issue; the other from want of confidence; which, if suffered to go on, would run a race against each other, till the country would be brought to ruin, unless the system was changed. The best remedy which could be used was the fixing of two prices, a paper price and a money price. By this the public creditor would be in part a sufferer; but he confessed he did not regard the public creditor so much as some gentlemen did. The public creditor took the larger premium, and, of course, was entitled to the lesser security. The interests of the landlord were those most connected with the interests of the country, and therefore the most to be regarded. On the existence of two prices there was no doubt but gold would make its appearance. In every country there always was as much currency as was necessary. He objected to the present measure, too, because it was not a complete measure, but only a part of the system which the proposer of the measure had in view. He recollected a period when the noble earl was as anxious about guineas as he was now about notes. He had then discovered a nostrum to prevent guineas from being clipped, melted, and what not, and having prevailed on the late Mr. Pitt to allow him to have a guinea prepared at the Mint agreeably to his own plan, when the guinea was rounded off and finished, the officer of the Mint desired his lordship to look at the guinea, and see if it was exactly as he wished it. His lordship, on examining it, declared, yes! that was every thing that could be desired, and there was a guinea which he defied any one to melt or sweat, or in any measure to deteriorate. The officer, who understood the nature of the composition, so contrived it, at the moment, that this all-perfect guinea should drop upon a stone, when, lo! it broke in two! In the like manner, he had no doubt but the secure mode which the noble earl had in contemplation for making Bank notes a legal tender would be found equally perfect and equally valuable. The measure now proposed, was an *ex post facto* law, and like all such laws was unjust and injurious. It should, therefore, have his decided opposition.

Lord *Castlereagh* rose and said :

Sir ; not having been present when this bill was discussed on the first reading, and as I may not have it in my power to attend its future stages, I am desirous of taking this opportunity of delivering my sentiments upon a measure, the principle of which may again, at no distant period, occupy the attention of parliament, not only as applying to Great Britain, but to Ireland.

In arguing this question, I shall endeavour to conform to the suggestion of an honourable and learned member (Mr. Brougham), by confining myself to the immediate subject of the bill itself, abstaining as much as possible from a renewal of those general discussions on the state of our currency, which have so recently taken place. The view I take of this measure must necessarily be founded on the principles I then endeavoured to maintain, and, in founding myself upon those principles, I cannot expect that I shall work conviction on the minds of those, to whom I have been hitherto opposed: but as my object is rather to consider, with the House at large, what course it is fitting parliament should now take, and as I shall have occasion to assume but little in argument, which does not rest upon the collective judgment of the House already expressed, either legislatively, or by its resolutions, I think I shall best consult the convenience of the House by pursuing this course.

I shall begin by drawing the attention of the House to the state of the law as it now stands between debtor and creditor, including the case as between landlord and tenant, for which the present bill goes to make a special provision. It is quite clear, the standard coin of the realm being the only legal tender, that, whether for rent, or for any other legal demand, the creditor is not bound to accept bank-notes, in satisfaction of his debt ; and that, unless the debtor can procure coin, with the single exception of the protection against arrest by mesne process, afforded by the act of 1797, the creditor remains in full possession of all his legal remedies against the goods and property of his debtor, and ultimately against his person.

Under these powers it is competent for a landlord to distrain for rent, and to cause the goods of his tenant to be sold. It is also competent for him, in case of non-payment of rent due, to bring an ejectment for the recovery of the possession. In the case of a simple debtor, although the person of the debtor has obtained a qualified protection against a summary arrest, the process against the property may be proceeded in to execution, and the whole be consigned to the sheriff for sale, if the plaintiff shall not prefer imprisoning the person of the defendant, till the debt is discharged. But here a new difficulty occurs: when the sale takes place, is the sheriff to make sale of the property for coin only, or is he to take bank-notes, as has been hitherto practised ? In the former case, it is obvious, a sale, for any thing like value, in the present scarcity of guineas, is impracticable. To proceed to sell by auction under such circumstances, would be, in truth, to give the property almost for nothing, to the person who accidentally had, at the moment, the means of collecting coin to bid for the goods; in the latter case, the sheriff would be no more capable, after the sale was effected, of satisfying the creditor with the proceeds, thus taken in Bank notes, than the debtor, the owner of the goods, originally was.

The sheriff, under these circumstances, acting at his peril, and liable to action if he errs, must consider what directions the court would give on the trial of such an action. A court of common law, I apprehend, as the law now stands, could neither take upon itself to defeat the remedy of the creditor, to compel payment of his debt in the lawful coin of the realm, by holding a payment in Bank-notes, for goods sold by a sheriff, to be a legal payment: nor could it prevent a sheriff, who should think fit to refuse any other medium of payment than coin, however ruinous to the property of the debtor. Neither could the owner of goods distrained, as I conceive, bring an action for excessive distress taken, if the property sold, whatever might be its value, did not produce more in coin, upon the sale, than the amount of rent actually due ; and in the latter case, the sale rests, in the first instance at least, with the person distraining, or his bailiff. What relief a court of equity could give, under all the circumstances, it is not for me to venture to pronounce ; but I am sure relief, in such a case, the subject is entitled to receive, and further, that his just claim is to receive relief, not circuitously, and by an expensive or dubious process in chancery, but that his protection should be clear, decisive, and direct.

In any ordinary case of public difficulty, in its nature constituting a clear impediment to the sale of property for any thing approaching to its true value, to enforce a sale would be inconsistent with justice. In cases of foreclosure of mortgage in time of war, this principle has been already recognized: but the present case does not depend simply upon general grounds of equity; it arises out of an express provision of law, prohibiting the Bank from fulfilling its engagement with the holders of Bank notes; and the question is, whether the arm of the law shall be directed against the debtor, to compel him to perform that, which an act of the legislature, enacted for the wisest purposes, and for the general good, has rendered it impracticable for him to perform.

If such is the law of the case, and that the debtor holds his property, under the impossibility of turning his notes into gold, and even his personal liberty at the mercy of his creditor, I may venture to appeal to those who now countenance lord King's demand to be paid in coin, whether they believe, that such a system was contemplated when the Suspension Act passed in 1797, as one which could be acquiesced in, if attempted to be enforced. Upon what ground was it that Mr. Pitt resisted the late sir Francis Baring's suggestion of at once making Bank notes a legal tender? Upon what grounds did he resist the precise proposition which the present Bill contains, when moved by a worthy alderman (Combe) and supported by Mr. Fox, but on the ground of both being, as things then stood, unnecessary? That Mr. Pitt's judgment was not very erroneous in so deciding, the uninterrupted experience of fourteen years sufficiently proves; during which extended period, not a single instance has occurred, in Great Britain, notwithstanding the price of gold has been at times much beyond the Mint price (in 1801 as high as 4*l.* 6*s.*), of any creditor, landlord or other, refusing to accept notes of the Bank of England, at par, in payment of a debt.

It was the policy of Parliament, at that time, to avoid, if possible, any enactment on this delicate point; they trusted that the universal conviction, which pervaded all mankind, of the solidity of the security on which Bank notes were issued, as well as of the importance, for the interest of all, that their credit should be upheld, would insure their being invariably received at par. It was one of those occasions, on which a conventional acquiescence that they were to be received as cash, seemed to leave nothing for Parliament to do, at least in the first instance. They wisely preferred, on such an occasion, the protective influence of a moral principle to a premature attempt, by enactment of law, to provide for difficulties, which it was hoped never would occur; under the security of such a principle, the country has lived and prospered since the Bank Restriction Act passed. My lord King has been the first person to emancipate himself from its influence, and to introduce a practice, to say the least, perfectly novel in Great Britain.—It is not for me to impeach the motives of any individual, availing himself of rights, which the laws of his country furnish him with the means of asserting. I am bound to suppose, from the character and endowments of the noble lord, that he acts from an honest conviction, that he is claiming from his tenant, what he thinks not merely lawful, but strictly just. Denying however, as I do, the justice of the claim, and believing that Parliament never did, nor could intend to suffer the law so to stand, except under an expectation, that, during the continuance of the Suspension Act, it would not be put in force, I consider that, in consequence of this exercise of an extreme legal right on his lordship's part, the duty of rendering their former measure consistent in point of justice with itself, has devolved upon the legislature; a task, from the performance of which, however painful, and in some respects difficult in the execution, I trust Parliament will not shrink.

But it is said, will you interfere between my lord King and his tenant in matter of contract, and by an *ex post facto* law disturb and alter the rights of the parties? I cannot consider the proposed relief as an *ex post facto* law. I consider it rather as declaratory of the true intent and purpose of the act of 1797; and I deny, in any equitable view of the contract subsisting between lord King and his tenant, that it can be enforced in the manner proposed by his lordship.

I will take the two cases his lordship puts, of leases granted by him prior, and subsequent to the passing of the Bank Restriction Act in 1797; and I will suppose the usual covenant, binding the tenants to pay the rent reserved in the law-l coin of the realm, to be found in both. will, on the case thus stated, put it to y fair man to say, notwithstanding the tter of the bond, whether, when the argain was made, the fair understanding etween the parties was not, that payment ould be accepted in Bank notes? It is ue, in the former period, Bank notes ere convertible into cash, but it is not e tenant's fault that they have not connued to be so convertible; but, in the atter period, it was distinctly foreseen hen the lease was signed, that, so long s the restriction on the Bank continued, e notes of the Bank of England would ot be convertible into cash upon demand. Upon this state of facts the parties treated, nd the scale of rent was agreed on. Now deny, that it was any part of the understanding, that the tenant, in the former case, was to pay, or could pay, such a rent in guineas, supposing a case so perfectly new and unforeseen as that which has really occurred, to happen; and still less in the latter case, where the rent was fixed, the prohibition on the Bank being then in existence, and no intimation given to the tenant of any intended departure from the established practice of accepting Bank notes in discharge of the rent at par.

If the grounds on which the landlord considers that his interests have been affected, had originated in any act for which his tenant could be deemed responsible, or if it had grown out of the ordinary course of events, which the parties to the contract might be bound to advert to, in making their bargain, I can understand the claim to compel the tenant to submit to a new mode of payment, so infinitely disadvantageous; but, when the tenant has done nothing, and parliament every thing (parliament having acted for the public good, upon which it is the province of parliament exclusively to decide), I do not see upon what principle of justice, one party can expect to receive his full share in the advantage resulting from a measure of general policy, throwing all the inconveniences of it upon the other party to the contract.

But let us see how far the sense of parliament has been already declared upon this principle, not merely in the speeches of individuals, but on the face of the Restriction act itself. That act expressly provides that the notes of the Bank of England shall be received as cash in all revenue payments, thereby constituting them a legal tender in all debts from the subject to the State. It may be said, that, for the state to lend this aid to the credit of Bank paper, might be a very wise expedient, that it operated as an indulgence, which, where the debt was due to the state, the state was competent to confer, and that no contract was violated, or individual right thereby injured; but what was the provision made by law with respect to the dividends payable to the public creditor? It is true no express enactment declared that Bank-notes should constitute a legal tender in such payments, but no exception was made in favour of the public creditor in the prohibition against cash payments, and, in point of fact, he has had no other option since that Bill passed, but to accept Bank-notes at par, or to remain unpaid. Here then was a matter of contract of the most sacred description, between the public and individuals, upon which the law declared, that payment in coin should not be demandable during the continuance of the Bank Restriction act. Can it be contended that the legislature meant in matters of contract, that one law should prevail between the public and the individual, and another between private persons? that the public was to receive an indulgence from their creditors in the nature of their payment, which the individual debtor had no claim to expect from his creditor? I am aware it has been argued, that, supposing an act of national bankruptcy to have already been committed towards the public creditor, that can form no motive or justification for authorising a similar violation of contract between man and man. I shall hereafter have to deny, that any such failure in the equitable discharge of its engagements can be imputed to the state. I am confident, that the framers of the law did not so interpret its operations; and if, from the necessity of the case, the legislature felt itself compelled to take from the public creditor the means of receiving coin in satisfaction of his demand, is there any imaginable principle of equity, upon which it could mean to compel individuals to do that, which the state was unable to perform? or, to state the fact more truly, that having, for the general interest, prohibited the Bank from fulfilling the letter of its contract, in respect to cash payments, with the holders of its notes, it should mean to compel the holders of those notes to fulfil the letter of their engagements with respect to cash payments towards their creditors?

The declared ground on which the legislature passed the Restriction act was, to protect public and private credit against the calamity of the Bank being obliged to discontinue its functions; involving as the necessary and immediate consequence of such discontinuance, the ruin of all private banks, and the extinction of the entire circulating medium of the country, so far as it rested on banking credit. Parliament was morally justified in passing that law, first from a conviction, that, whatever the evils of such a temporary interruption to the legitimate money system of the country were, they were upon the whole less than the evils to be apprehended if things were allowed to take their course: and secondly, from there being no reason to presume, that Bank-paper, so long as its issues continued to be regulated upon the principles which had hitherto governed the conduct of the Bank of England, would, as a medium of circulation, lose any part of its value, compared with the commodities generally of the country.

I do not mean to renew the argument on depreciation in detail, but I must here re-assert, as my deliberate judgment, trying the fact upon the only sound principles upon which it can be examined, that, at this day, the notes of the Bank of England are not depreciated, under any fair sense which can be affixed to that term. I admit they are not convertible as formerly at pleasure into coin, nor can they purchase, in the market, the same quantity of standard gold; but this, as I conceive, arises solely from causes affecting the value of gold, both in its coined and uncoined state. With the exception of the precious metals, Bank-notes have the same powers of purchasing all other commodities, which they would have had at this day, if no necessity for shutting up the guineas in the Bank, or for sending gold abroad in unusual quantities, had ever occurred.

Such, at least, is my belief. Such I wish to be understood by the noble lord (Folkestone), is the sense, in which I deny that Bank notes are now depreciated. Upon that conviction my conduct, as a member of parliament, must be guided, and under it, I do not consider that any injustice or act of bankruptcy has been committed towards the public creditor, by affording him no other option in payment of his dividends, than Bank notes at par; and I am further prepared to contend, that any person, who in the present state of things endeavours to avail himself o the letter of his contract, to force payment in cash, adopts a course of conduc altogether inconsistent with its spirit and equity, and assumes to himself not only an undue advantage over his creditor (both being in duty bound to bear their fai share of the inconveniences arising from the contest in which we are engaged), bu that he is taking to himself, under the colour of law, an advantage beyond wha could have accrued to him, had the currency of the country remained undisturbed.

That my lord King does not mean to submit to his fair share of the inconveniences of the times is obvious, from the principle of his claim being, that his tenant should put him, at whatever expense to himself, precisely in the same situation in which he would have stood, as to the medium of payment, if no Restriction act had passed, and the tenant had nothing to do but to present his notes at the Bank to have them converted into coin. Now what are the tenant's means at present of procuring guineas to pay his rent? Can he procure them in exchange for the produce of his farm, without selling that produce at an enormous loss? Can he procure them in exchange for Bank notes, without giving a premium, and violating the law as it has always been understood to stand, till the late judgment in De Yonge's case, and as it will stand hereafter if the present Bill shall receive the sanction of the legislature? But supposing the purchase of gold at a premium not to be illegal, with so much coin shut up in the Bank, so much in the last ten years melted and exported, to what a price must not guineas rise if all tenants upon lease are compellable to pay in coin? If the local practice of paying rent in gold, a practice in late years confined to the north of Ireland, has had the effect, in the present scarcity of coin, to raise the premium upon guineas as high as 15 per cent. to what height must it not rise, if the competition for the limited supply of coin now in circulation, were to become general throughout the empire?

But it is said the noble lord does not insist upon an actual payment in guineas; such a demand, in the present absence of coin, it is admitted, would be oppressive: he gives his tenants the option of paying in foreign coin, or standard gold, the weight to be the same as if the payment was to be made in guineas; or the rent l be accepted in Bank notes, the tenant ying the additional sum requisite to rchase the amount of gold at the market ce of the day which the guineas would igh. The first observation which oc-rs upon this is, that the relief thus held t is wholly arbitrary in its principle, d, as I shall contend, most unjust in the ture of the criterion by which it is mea-red. It is arbitrary, inasmuch as it is scretionary, whether it shall or shall not afforded; and I must be permitted to serve, that it is not a very pleasant situ-ion for a tenant to stand in, nor a very emly one for the law to permit him to placed in, that it should depend upon e indulgence or forbearance of his land-rd, whether he shall be confined in a ol, or his property be dissipated, to pro-re guineas, the law having deprived him his accustomed means of procuring em from the Bank. Lord King, from berality to his tenant, from a sense of e oppressive consequences of an unquali-ed demand of coin, may extend to him is, as I shall hereafter contend, most in-quitable species of relief; but what se-urity have we, watching over the inte-ests of all the subjects of the realm, that e process, by which the noble lord is nabled to dictate such terms, as he thinks easonable, to his tenant, may not, in the ands of a less liberal, perhaps of an op-ressive, an avaricious or a vindictive land-rd, be made the instrument of consigning any honest tenants to a prison, whilst thers may have their property sacrificed y improvident sales, or be deprived, by jectments, of subsisting interests in bene-cial leases.

To leave the tenantry of the country nder the lash of such a principle of aw, if it is the purpose of any individual n the community to call it into activity, venture to assert, would be wholly in-onsistent with the protection which the ubject is entitled to claim at our hands. might doubt, when this Bill was first in-roduced into the other House of Parlia-ment, whether the necessity for taking ny legislative measure upon the subject, was sufficiently made out; but, when the oble lord candidly and honourably avow-ed and justified, in his place in parliament, is intended enforcement of the notice he ad given; and when the probability of n example from a quarter so respectable eing followed by others, justified as it ad been in argument, was weighed, I wn I could no longer doubt that it became parliament, before it separated, if not to supply a complete remedy against every possible misapplication of the law to compel payments of such a nature, to provide some measure, which might at least protect the tenant during the recess, and mark the disposition of parliament, if the principle should hereafter be persevered in, to meet it with corresponding correctives: the equitable claim of the tenant and all other debtors being, in my judgment, distinctly this, that so long as the law shall continue to prevent the Bank of England from paying their notes in cash, so long ought the legislature, by special enactment, to interpose and stay process, either against the person or property of debtors, who shall tender Bank notes to their creditors in satisfaction of their demands.

But to return to the injustice of the arrangement itself: I will assume, for the sake of argument with lord King, that, in a lease granted before the year 1797, the landlord's interest has been disturbed by late events to his prejudice, and to the advantage of his tenant, and that he is equitably entitled to some indemnity (the reality of which case I beg I may not be understood however to admit), I still must contend, that the principle upon which my lord King has laid claim to measure the extent of the indemnity, is an unjust one. His lordship assumes its equity, as it is no more than requiring a specific performance of the covenant, with certain voluntary relaxations of it on his part, for the accommodation of the tenant: but I contend, that the equity of enforcing the specific performance of such a covenant ceased with the first enactment of the restriction act, and that the conditions on which it is now proposed to be relaxed, subject the tenant to an increase of rent, not to be regulated upon any fairly ascertained change of value in the Bank paper of the country, for which alone the farmer sells his produce, but which is to be governed, either by the price of guineas, which must rise in proportion to their scarcity, were even the purchase of them permitted by law; or by the price of gold, which has been raised 20 per cent, by the disturbed state of our intercourse with the Continent, and may be indefinitely raised. If such a criterion is to be admitted to regulate the additional payment to be made in notes, what tenant can foresee what rent he may not be called on to pay? All he knows is, that it is not a fixed and determinate amount of the prevailing currency of the country, but that it depends on the extent of our expenditure abroad, the balance of commercial payments, and the state of the exchanges, which must always govern the price of gold, whether the additional amount of rent, which he is subject to (if he is indulged with the permission to pay in bank-notes at all,) shall be 20, 30, 50, or 100 per cent. beyond the rent specified in his lease; for who can say, in the present obstructed state of our intercourse with the Continent, when freedom of circulation is at an end, to what extent the price of that article may not rise, namely gold, which is the only commodity, which when it has evaded the vigilance of the enemy, and reached the Continent, can expect, as an article of property, effectually to secrete itself, and to escape being either confiscated or burnt.

Can it be contended for a moment, that it should depend on the caprice or power of the enemy, or upon the extent of military expenditure, which his own government may think fit to carry on abroad, whether a tenant, holding lands upon lease, shall pay more or less rent? yet such must be the result, if the principle contended for by lord King is admitted. I would put the issue of the whole argument upon this simple question, and allow the noble lord to answer it himself, whether if his tenant had been apprized, previously to his signing the lease, that such a state of things would have arisen, within the period of the contract; that it might continue for an indefinite length of time; that in such case, bank-notes would not be accepted in discharge of the rent agreed upon; but that he must either find guineas, when the Bank was prohibited from issuing coin; or pay an increased rent in notes equivalent to whatever increased price gold might rise to, under the operation of the Berlin and Milan decrees, and the expense of the war in the Peninsula; whether, upon such a statement, the tenant would have signed the lease at the rent then agreed on, making his person and property liable for the fulfilment of so indefinite, and perhaps so ruinous a bargain?

But I contend for it, if lord King's rent were paid in gold, as he proposes, or in notes with the additional sum calculated according to the market price of gold, that he would obtain an undue advantage, proportioned to the excessive price which gold now bears. He may say, that the rent agreed on was a rent in gold; nominally it was, but not in practice, as understood between the parties; but even as a rent in gold, it was a rent in coin not saleable nor exportable, instead of a rent in Portugal gold coin, or standard gold, as proposed by his lordship's notice, both of which are exportable, and sell in the market at four shillings an ounce higher than the gold, which cannot be sworn off for exportation; so that, even in this light the demand is unreasonable; the augmentation of rent thus imposed may not be beyond the power of the tenant to pay, his bargain having become a profitable one from the lapse of his term: but this progressive benefit the landlord can have no pretence to share; we must presume it was purchased in the original terms agreed on. The tenant's bargain cannot be proved to be a better one now, regard being had to the prices obtained for produce, than it was in the year 1808; yet then there was nothing in the state of the exchanges nor price of gold, which enabled my lord King to assume, that bank-notes were depreciated, or to demand, upon the principle of his notice, an increased rent if paid in notes. Is it then reasonable, if no peculiar profit has accrued to the tenant in the last two years, that he should be liable, holding under a lease, to an increase of 20 per cent. on his rent, with a chance of being still further raised, merely because an adverse exchange, arising from commerce obstructed and an immense foreign expenditure on the part of government, has thrown up the price of gold in the market of Great Britain to an unusual height, from which the farmer, having none to dispose of, receives not the smallest advantage?

But it is represented, in justification of the arrangement prescribed in lord King's notice, taking the average of wheat between 1786 and 1797, that it then required 18 quarters of wheat to pay a rent equal in value to a pound weight of gold which, at the price of the day, viz. the Mint price, amounted to 44½ guineas; that on a similar average, between 178 and 1806, 14½ quarters would pay the same rent, at the then medium price of gold, viz. 4*l.* 2*s.* per ounce; but that during the last five years, according to the average price of wheat taken at 85*s.* and gold at 4*l.* 7*s.* per ounce, the same rent might have been paid by something less than 14 quarters.

The first observation which occurs upon this statement is, that lord King's bargain h his tenant was for a money, and not a n rent; a distinction highly material to taken, as the former throws all the cts of increased expence of cultivation n the landlord, the latter upon the ant; a given sum of money, receivable ually in rent, will purchase less of er articles, in proportion as their ce is raised by additional taxes, and er expences affecting their reproduc- n; whereas a given quantity of corn ght to sell for what will cover all the v expences attending its growth in rent, ae, taxes, &c. in addition to its former ce. Now if the additional charge ler which wheat is grown in Great tain, since the commencement of the riod referred to, viz. from 1786, in- ding the improved mode of living pted by our farmers, an incident which st influence price, is considered, it will etty sufficiently account for the in- ased value of wheat, without imputing to a depreciation in Bank notes. In- ed, the case disproves itself; for all the ts upon which the reasoning is founded, sted in full force in the year 1809, when ld was only 4*l.* per ounce, and when, cording to the new theory, Bank paper s not depreciated, being at par, or arly so, with gold, as measured by the int price. Besides, it may deserve tice, that during the period of com- rison, not only the scale at which fo- gn corn is importable, has twice been sed, but the grain imported in the two er periods of comparison, viz. from 02 to the present time, has been im- rted, under all the accumulated charges war-freights, and consequently has not d the same influence in keeping down e prices of grain in Great Britain, as the eign corn imported between 1786 and 97 had, when we were either at peace nerally, or in amity with those States, m whence our supply of grain is usually awn.

There is only one other view of this bject I am desirous of taking, before I smiss this branch of the argument. ord King seems to think his own case a rd one, and he charges his misfortunes gainst the Restriction Act; but let us see what situation his lordship and his nant would have stood reciprocally, if at act had never passed, and matters ad been allowed to take their course. It ust be in some measure matter of opi- on, what would have happened had the gislature not interposed in 1797. Lord King may see it in a different light, but my conviction is, that public and private credit would have been, for the time at least, destroyed, by the Bank of England, and consequently all private banks, being obliged to discontinue their functions. I do not therefore infer, that we should have been left without a circulating medium; I have no doubt we should have had one, and that our currency would have been composed of the precious metals almost exclusively; but we should have been reduced very much to the predicament in which France now is, possessing, it is true, a metallic currency, but destitute of those means of active circulation, growing out of individual and public confidence, which can alone sustain with effect the industry and exertions of a great, commercial, manufacturing, and warlike nation.

In such a state of things what would have happened to my lord King, and his tenant? Supposing the rent agreed upon previous to the events which led to the passing of the restriction law to have been a rack rent, a rent upon full value, which upon a tenure of such an extent, in justice to the landlord it ought to have been, is it possible to suppose, that such a bargain could have stood, if the banking system of the country had been broken down? The immediate consequences of such a convulsion, had it been suffered to realize itself, must have been, that lord King, for his own sake, would have lowered his rent, perhaps one half; what then would have been the situation of his tenant? he would have found himself cultivating at a reduced rent; and although, in common with every other member of the community, he must have suffered from the general distress, he would at least have found no difficulty in preserving his lease, by paying his rent in the standard coin of the realm, as coin would then have been the medium in circulation, and consequently the currency receivable at market in payment for produce. Obliged to accept a reduced rent, I cannot persuade myself, that lord King would have stood in a better situation at this day, than he now does, whatever his tenant might, should he be obliged to submit to this new mode of payment; by which the noble lord appears to claim the advantage of both systems, of the one which would have destroyed, and of the other which has preserved the Bank; whilst he expects his tenant to abide by the inconveniences of both; that is, to pay an amount of rent, with reference to the latter state of things, in a description of currency, only to be found in general circulation in the former.

I have been induced thus to dwell upon the principle of lord King's notice, because in truth the Bill originates in that document. It is impossible to argue the question, as affecting the public, without bringing forward the noble lord's name, and discussing the demand made as his measure. I have done so, I trust, without personal disrespect. My object has been, without reflecting on the noble lord's intentions, to argue fairly, whilst I protest strongly, against the course his lordship has pursued in the instance before us.

With respect to the enactments of the Bill, they are principally open to objection, as an imperfect remedy to the case to be provided for; they protect the tenant against summary distress, but they leave him exposed to all the other legal remedies, with which the law arms a creditor against the person and property of his debtor; but I look upon the Bill as a legislative declaration on the principle of the question, the import of which cannot be mistaken, and it has my approbation as such. I trust it may be unnecessary to go further; but if it should, parliament, I hope, will not hesitate in performing the duty, which may in that case be cast upon it.

With respect to the other provisions of the Bill, namely, those which render it a misdemeanor to receive more for a guinea, or less for a Bank-note, than their standard and accustomed value, I consider them as of very subordinate importance to the clause we have been hitherto considering. So far as the clause prohibiting Bank-notes from being received at less than the sum for which they were issued, may render it illegal to claim, or accept them in discharge of a debt to a greater amount, that is, at a value inferior to their nominal value, it meets precisely the case to be provided for, and it puts the creditor in the situation I wish to see him placed in, that is, that he shall be obliged to accept the notes of the Bank of England at par, or not at all, whilst the Bank restriction act lasts. The other prohibition against purchasing the coin of the realm at more than its legal value, is of less consequence, but may be of some use, as tending to discourage a traffic in guineas, a practice novel at least in this part of the empire, not requisite if creditors are protected from the species of demand, against which I have
been contending, and which is principall
carried on by persons, who make a trac
of melting, and exporting our standa
coin, a practice which law cannot preven
but which it may be expedient, as far
possible, by penalty, to check and coun
teract.

The object of the Bill is not by law
attempt to give to a guinea, or a Bank
note, a compulsory value; no law coul
have this effect; and it would be unjust,
it were possible that it should. In all pr
spective bargains, where the parties kno
what is to be the medium of paymen
whether guineas or Bank-notes, no la
can, or ought to restrain them from framin
the price of the commodity sold, with re
ference to their opinion of the real value
the currency to be received, whether
be a value depending upon credit, or th
intrinsic value of the medium itself. Th
intention is to deprive creditors, durin
the interval of cash payments being su
pended at the Bank, of the power legall
to compel debtors to pay them Bank
notes, at less than they are actually wort
If the process of the law, which wa
framed to compel payments in standa
coin, when coin could be procured,
now to be used, as an instrument to im
pose arbitrary conditions of paymen
when coin cannot be procured, Bank not
may become depreciated in public est
mation. If they pass, as in justice the
ought to do, in the eye of the law, at pa
between man and man, they are not likel
to stand depreciated in the daily tran
actions of life. Every man in the com
munity ought to have a common intere
in upholding their credit, which will n
be the case, if creditors are allowed
dictate the rate at which they alone wi
consent to receive them. With thes
views, I am disposed to support thes
clauses, as regulations salutary in them
selves, in aid of the main object, which,
must again repeat, is, that the paper of th
Bank of England shall not be exacte
under colour of law, as a depreciated me
dium in payment of debts; being myse
convinced, that it is of a value which en
titles it, both in equity and in justice,
be accepted at par.

I shall not detain the House by com
bating the assertions brought forwar
that the present system must lead to
maximum, and that the fact of deprecia
tion is confirmed by the existence alread
of two prices, a gold and a paper pric
It is enough to remark, that the measu

a *maximum* can never be a rational relief en in the most undisguised and extra- gant state of depreciation to which per-currencies (wholly dissimilar, be it membered, to ours) have ever been re- ced. No human tyranny could render law of *maximum* other than an expedient starve a community, and to aggravate th public and private distress. It would a waste of time to contend against the plicability of such a system to a cur- ncy such as we possess, the solidity of hich no man doubts, and which pre- rves its value, at this moment, compared ith all other commodities except bul- on, as steadily as it did in the year 1809, hen the present excessive price of gold ok its rise; and as to the question of two rices, if the fact of such a practice pre- ailing was proved, still I should deny, at this necessarily established the fact of epreciation: on the contrary, I should ontend, that this must happen, whenever difference of value takes place for any ength of time between bullion and Bank aper, as the price of bullion will sooner r later, through fraudulent operations on e coin, affect, to a degree, the value of uineas; but, as I maintain, that this dis- arity of value may as well arise from the alue of guineas being raised, either from he cause I have now referred to, or from heir scarcity, as from the value of Bank aper being depressed; and as every test t this moment conspires to prove, that gold has greatly risen, and none, when airly examined, except the comparison vith gold itself, suggests that Bank-notes ave fallen; were even two prices as niversal here, as they have been in the North of Ireland for years, I should still say, that the depreciation of Bank-notes, in the practical or ordinary sense of that expression, was by no means the necessary consequence; and that depreciation could not be truly imputed to the paper of the Bank of England at the present moment.

Having argued against the mode of payment insisted on by my lord King, and, as I trust, established its injustice, it may be asked how it comes that a system, which is unjust in Great Britain, should be tolerated in Ireland, and why, when parliament is legislating upon this subject, Ireland should be specially excepted out of the Bill? The question is a fair one, and I shall endeavour to assign satisfactory reasons, for not at present extending the measure to Ireland, more especially at this late period of the session, and in the absence of the members from that part of the United kingdom.

When it is stated, that the practice, which it is intended by this Bill to prohibit in Great Britain, has long prevailed in Ireland, it is material to distinguish between the practice of Ireland generally, and of a few of the Northern counties, perhaps not more than four or five in number. In all other parts of Ireland, the rents have been invariably paid in Bank-notes, and I have never heard an instance of any landlord refusing to receive them at par. The practice in the Northern counties, where the rents are paid in coin, is very distinguishable from lord King's case. In those counties, no other medium than coin has ever been taken for rent. Guineas have been uniformly the medium of payment between landlord and tenant, both before and since the Bank Restriction Act; and guineas have, at all times, borne a premium in the North of Ireland. The only new feature in the Irish case is the increased amount of the premium requisite to procure guineas. In November last, when I left Ireland, it did not exceed from 2 to 3 per cent. It has since risen as high as 15 per cent., but has latterly fallen considerably; whereas, in Great Britain, the uniform practice has been, to pay rents not in coin, but in Bank paper; and no instance has occurred, till the present, of its being refused to be accepted at par.

The Irish landlords appear then to have a much stronger claim in equity, to adhere to a practice long established between them and their tenantry, and which has been therefore no surprise upon the latter, than my lord King has to introduce at this moment, a novel mode of payment under a dormant stipulation in a lease; and it is not a little remarkable, that the same set of circumstances which have determined lord King to adopt, for the first time, the Irish practice, should have induced the landlords in Ireland, if not to abandon, at least materially to relax theirs; for they not only have very generally, for the accommodation of their tenantry, consented to accept their rents in Bank-notes; but they have accepted them on terms much more favourable to their tenantry, than a rate calculated on the premium of the day for guineas. A premium, it is true, has generally been required, seldom however higher than from 2½ to 5 per cent.; but nothing approaching to the scale of lord King's demand has been adopted as a general practice in any part of Ireland.

Whilst I contend that the practice at this moment in the north of Ireland, between landlord and tenant, is one of much greater indulgence to the tenantry, than the rule lord King is inclined to lay down; and whilst I consider that the state of things in that portion of the United Kingdom, growing out of a long established usage, which has of late been accommodating itself to the convenience of the parties, rather than taking any novel shape of disadvantage to the tenants, do not constitute a case of such pressing inconvenience, as should induce parliament, in the absence of the Irish members, to enter upon the consideration of a question of so local a nature; I am at the same time free to confess, that, if the practice in the north of Ireland should not take some more settled shape, before the next session of parliament; and if the difficulty of procuring coin should continue to be as great as it has latterly been, it may become necessary to apply a legislative corrective to the evil; for an evil it must be admitted to be of the greatest magnitude, that between the landlords and tenantry of a country, no fixed rate of payment should prevail; but that it should be at the discretion of each particular landlord to decide, whether his tenant is to pay him, as an inducement to accept bank-notes, the full premium at which guineas are bought and sold, which has been as high as 15 per cent. and may be still higher; or whether he is to pay at an inferior rate, and what; for however cash payments, in those particular counties, may rest upon ancient and uninterrupted usage, yet it must be admitted, that it has become a very new question in practice between the parties; and it is impossible not to foresee, that great public inconvenience and discontent is likely to be produced, by the unequal measure of indulgence different landlords may think fit to deal out to their tenantry under such circumstances.

I have before observed that a premium on guineas has always prevailed in the north of Ireland, even before the Bank Restriction Act took place. There being at that time no private banks issuing notes in that part of the kingdom, whose business led them to hold cash at the requisition of the holders of their paper, the usual mode by which dealers, who came from a distance to purchase linens, or other commodities with bank-notes, or credits upon Dublin, obtained any considerable supply of guineas, was by applying to the the agents of men of property, who supplied them with what they required at a premium, varying according to the supply and demand in different parts of the country. The same practice prevailed, under the authority of government, in the payment of the army. The paymasters of regiments procured gold by similar means, to issue the subsistence to the troops; and were directed to charge the premium paid for guineas in their contingent accounts with government. So established was this practice, that I recollect when Mr. Pelham (now earl of Chichester) was chief secretary in Ireland, for the purpose of introducing greater economy into the charge of converting Bank-notes into the guineas requisite for the army, that district paymasters were appointed to superintend this branch of the public service.

It may be said, why then prohibit by law a practice in England, which has so long prevailed without inconvenience in Ireland? and the hon. and learned member (Mr. Brougham) has recommended, that coin, like all other commodities, should be suffered to find its own level, and he has argued, that this would operate advantageously in bringing back coin, and in keeping it in circulation. Perhaps no serious inconvenience would arise from such a practice prevailing, so far as ready money dealings are concerned! but when the question is, what the law can in justice enforce in satisfaction of a debt, the practical objection to the hon. member's suggestion shows itself; it by no means follows, that a system which may have prevailed in a corner of the empire for a length of time, without any serious inconvenience, may not, if suddenly extended to the whole empire, be productive both of mischief and calamity: but it is not true, to suppose, that no inconvenience has been experienced with respect to a circulating medium regulated upon such principles, even in the limited portion of Ireland where it has prevailed. From the scarcity of guineas, and their consequent high price (coin being the only medium in which transactions were conducted), the inconvenience became so great, that, by general consent, bank-notes became the prevailing currency in ordinary dealings, and it is only in discharge of rents, that payment in guineas has been latterly quired. Even on this reduced scale, of mand for guineas, considerable difficulty s occurred in procuring the necessary pply, and the premium has at times be- me excessively high; how great then ust be the difficulty, and the premium, the demand for coin as a medium indis- ensable to the payment of rent, should extended over the whole empire; and hat an unjust scale would such a compe- ion for guineas afford for regulating an creased payment of rent in notes! no- ing could be more accidental, fluctuat- g and oppressive, than such a standard; less it was the price of gold itself, when e continental exchanges are under the ontroul of the enemy, and when all free- om of circulation is at an end.

I admit the principle contended for by e learned member, that such a premium as a tendency to preserve guineas in cir- ulation, and to counteract the profit hich leads to their being melted and ex- orted; but, for the reasons already stated, never can be recognised as a just mea- ure to regulate the rate or value, at which nother currency shall be received in li- uidation of a debt. As a new regulation this country, I am not aware of any enefit which could result from it, pos- essing, as we do, a currency adequate o all our internal wants, and, in my judg- ment, neither depreciated, nor liable to lepreciation, so long as its issue is regu- ated upon those principles which have itherto governed the conduct of the ank of England.

In Ireland I can conceive such a prac- ice may have had salutary effects. It as tended to preserve, to a considerable legree, a metallic currency in circulation, n a country whose national bank did not possess the same proportionable capital as the Bank of England; and in which private capital does not yet much abound for the establishment of private banks. It was, under such circumstances, advantageous, that the transition to a circulation, in which Bank-notes were to preponderate, should be gradual; that the efforts of credit to supply the demand for currency should be made with circumspection, both on the side of the issuers and receivers of notes; and above all, it required time to reconcile and to accustom a population, habituated exclusively to coin, to the use of notes, to judge of their reality, of their preservation, and of the steps they were to take when the notes were worn out to have them renewed. That transition has been silently taking place, and I am induced to believe, is so far matured, that no shock to credit or industry need now be apprehended in Ireland, from any regulations which parliament in its wisdom may deem necessary to adopt for the administration of justice between man and man.

The House will, I am sure, excuse my having detained them so long on the question as applied to Ireland. The exclusion of that country from the provisions of the act appeared to me to require to be examined; and I was the more desirous of offering some general remarks on the peculiar state of the currency in that part of the United kingdom, from the misconception which has prevailed with respect to it, more especially observable in the Report of the Committee in 1804 on the exchange between Great Britain and Ireland.

With respect to the extent of the Bank issues, and particularly whether some limit to their amount ought not to make a part of the present bill, as a security against depreciation arising from excessive issues, I certainly am one of those who admit that mischief might arise from a disposition in the Bank improvidently to extend their circulation of notes; at the same time, I must say, that the facility of committing such an abuse, as well as the temptation to do so, so far as the motive of personal interest can be supposed to influence the conduct of the bank directors, has been most unreasonably exaggerated in argument. I am also ready to admit, that, in proportion as the system founded on the bank restriction act is protracted in point of time, and fortified by provisions, such as the present bill contains, it becomes more strongly, not only the right, but the duty of parliament, to impose such restraints upon the Bank as may appear calculated to protect the community at large against any improper employment of the discretion, which is now exercised by the bank. It is not therefore under any doubt of what the right, as well as the duty of the House is, nor yet of the principle, that a due caution on the part of the bank is necessary to be observed, with respect to the amount of their notes in circulation, that induces me more than to doubt the expediency of such a regulation. I am conscious much depends on a sound exercise of that discretion, but I know of no better security for its due exercise, than that it should remain under the superintending eye of parliament, in the hands which have hitherto administered it, with so much fidelity and advantage to the public. I see great objection in principle to any absolutely fixed limit. To name as the extreme amount a larger sum than that now in circulation, might seem to countenance an issue to that precise extent. To confine them within their present amount, incurs the risk, that, if the demand for circulating medium should increase with the growing prosperity of the country, the supply will be thrown into other and less safe channels; and if there is no precise limit which parliament can fix and adhere to, and that there can be none is obvious from the very nature of a circulating medium, which ought to fluctuate in amount with the extent of transactions to which it is applied, of all courses let us not expose ourselves to be called on to sit in judgment, from time to time, upon the quantum of issue required, which must be the case if this limitation is to be relaxed, from time to time, upon a case to be made out before parliament, by the bank, of its necessity.

It is not surprising that a considerable degree of jealousy should prevail with respect to the exercise of such a power in any hands; I am inclined to believe, that much of the feeling excited on what is called the bullion question, has originated in a disinclination, not the most enlightened, which mankind have in general to observe a corporate body, such as the bank of England, amassing unusual gains, even though growing out of an exercise of their credit, which contributes to the accommodation of every individual in the community. But what I can least understand, is, that any man should condescend so far in controversy, as to attempt to draw a parallel between the assignats of France, and the notes of the Bank of England: between a paper issued by a bankrupt government, upon no other alleged security at the time than the national domains of France, which standing on a revolutionary title, sold almost for nothing; between a paper forcibly issued to pay debts, and to carry on the current services of a state, and one issued by a private corporation with a view to their own immediate profit, and on what they deem solid and indisputable security; between a paper forced upon its subjects by a government which has no other means of payment; and a paper never issued, except at the instance of persons, ready to deposit value, and consenting to pay 5 per cent. for the temporary use of it. To infer that a paper circulation founded on such principles, must follow the course of French assignats, and the other forced currencies we have witnessed in modern times, does appear to me such a substitution of clamour and assertion in the place of sober sense, as hardly to deserve notice.

At the same time I cannot wonder, that men of reflecting minds should hesitate upon the practicability of a currency resting for any length of time with undiminished credit, upon any other than a metallic basis, which shall afford to every man the facility of possessing coin whenever he prefers it to bank paper. I admit the present is the first instance in the history of the world of such a system being realized; and I know of no other country in which it could have been attempted with any prospect of success; but happily the principles of private and public integrity are so deeply rooted in all our money transactions, and the discretion with which the Bank conducts its affairs, and its unparalleled wealth, are both so universally known and confided in, as to render inferences drawn from other countries inapplicable to this. I must therefore protest against an assumption of impracticability drawn from such premises. The experience of fourteen years is a tolerably decisive proof the other way; and I think it is quite impossible to point out, in our present situation, any thing which indicates that the credit of the country, administered upon this system, is not, at this day, as high at home and abroad, and as effective, to all the purposes of national industry, and of national exertion, as it was at any former period; and I would counsel those, who are disposed to set limits to the operations of credit, to reflect, that many of the principles upon which they argue against the existing system, might prove as fatal to a mixed circulation, as to the one which now, as a temporary expedient, prevails; both exist only by public confidence: and it is a question only of degree, how long either shall survive such doctrines of distrust, if unhappily they could be implanted in the public mind.

But it is denied, that this system does answer the same end, even for puposes of internal circulation, as our mixed currency did; and it is said, look at the situation of annuitants and persons with fixed incomes

ll descriptions, how reduced relatively
situation! What my lord King says is,
me back into the situation I stood in
ore the restriction act passed in 1797,
let me have a currency, which will
duce to me, what that for which I bar-
ned then did. Now let us separate this
stion into the two propositions of which
onsists. I cannot undertake to relieve
d King, nor is it just he should be re-
ved from the mortgage on his property,
ich has taken place since 1797, the re-
t of fourteen years of progressive taxa-
n. The taxes have been nearly trebled
amount during that period. These taxes
re intended to attach both directly and
directly upon fixed incomes; and it is
vious, supposing even the currency had
mained unchanged, that the power of
rchasing with a certain amount of in-
me must be very dissimilar at the pre-
nt day. If then much of this alleged
ievance arises from increased taxation,
d other increased charges affecting the
ice of commodities, better proofs must
furnished to me, than any I have yet
ard, before I can allow that any part of
e evil can be fairly charged upon the
rticular species of currency in use at the
esent moment. That fixed incomes are
teriorated in value since the year 1797,
admitted; but what remains to be proved
that a fixed income would have gone
rther at this day, if the necessity for the
striction act had never occurred, and if
e Bank had continued uninterruptedly
pay their notes on demand in cash.

As throwing some light on this question,
e know distinctly that internal prices
ave not been sensibly advanced since the
eginning of 1809, when the present ex-
essive rise upon gold, and fall of the fo-
ign exchanges, took place; and ante-
edent to which appearances, it could not
e alleged that Bank-notes were in any
ense depreciated. We have then con-
lusive evidence, that fixed incomes suf-
ered to the extent they are now impaired,
hen Bank-notes and bullion were at par
ith each other, and that they have not
een further affected since Bank-notes have
eased to bear their accustomed relation
ith the precious metals. We further
now, that in France, where coin alone
irculates (with the exception of the small
uantity of notes issued by the Bank at
aris), a corresponding rise in the price of
ommodities has taken place, very pro-
ably from the same cause, the pressure of
axation, which is very heavy in France at
the present moment. The French government, in an official document, viz. the speech of Mr. Daru, "Intendant de l'Empereur," in January 1810, when proposing to the legislative body to annex certain national domains to the crown, stated, that the real value of money had fallen since the year 1791, in France, to such a degree, that the same income did not then represent more than two thirds of what it had been worth at the period referred to. This is further corroborated by a report of the Agricultural Society at Paris in 1805. Where then is the proof, that the deterioration of fixed incomes is a hardship peculiar to Great Britain, or to the particular nature of our currency? Annuitants and all possessors of fixed incomes may repine, when they compare their lot in society with the proprietors of land, and others deriving their subsistence from their industry, who can indemnify themselves by an advance of price upon their land or labour; but this is no grievance, it is in the nature of things it should be so; and when capital is invested, the original cost of the land or annuity is regulated accordingly. That the active member of the society should preserve his station better than the inactive, is no hardship. It is open to every man who possesses a fixed income, to be active if he thinks fit. The lot of women and children, dependent on small annuities, may be more severe, so far as it is their misfortune, and not their fault, that they are inactive. Such persons are much to be commiserated; but this is an evil incident to human society, and establishes nothing against the currency.

Upon the whole of this case, I am for the Bill. The only solid argument I have heard against it is, that it does not go far enough: this is a defect which can be cured in another session, if it should be found necessary; it goes at least a certain length to counteract an existing danger, which, though circumscribed as yet in its operation, had, I think, assumed a shape and character which would have made it unsafe for parliament to separate without evincing a determination to provide against its extension.

Upon the question itself, however strongly my mind is impressed with the injustice of the principle upon which his demand rests, lord King no doubt is influenced by a conviction not less sincere, that the course he has pursued is perfectly defensible; and under that conviction, as an individual, his lordship is morally justified towards his tenant in what he has done; but giving his lordship full credit for the purity of his motives, I cannot applaud the discretion which, in the midst of war, when no man, whatever his view of the original policy of the Bank restriction act might be, can now see his way to the early resumption of cash payments, has induced his lordship, as a peer of parliament, and a considerable landed proprietor, to hazard a measure, which, if generally acted upon, must have inflicted so severe a wound upon the public credit of the country. As the question has arisen, parliament sitting, I feel no uneasiness on the subject. The discussion which has taken place will dissipate alarm; and as nothing in this empire can long survive, which will not bear the test of free, or even adverse inquiry, I have no doubt the credit of the paper of the Bank of England, so far from being impaired by any thing which has passed, in the late severe ordeal of controversy, to which it has been submitted, will, on the contrary, the more the principles upon which it is issued are developed, stand the higher in the public estimation; and the period I trust is not remote, when the transient apprehensions of patriotism at home will be quieted upon this point, and when the enemy will be made to feel, in the unabated energy of our exertions in carrying on the war, the mighty difference which exists between a currency, such as we possess, and those forced currencies with which he has ignorantly been led to compare it.

In the mean time, let us take care that the law shall not be made an instrument of personal injustice, which it would be, if, when the tenantry of the country, having sold the produce of their farms for Bank of England notes, and having contracts equally binding with the Bank as with their landlords relative to cash payments, the law should interpose, and say to persons so circumstanced, the Bank shall not fulfil its contract with you, but you shall fulfil your contract with your landlord. The law cannot countenance so obvious an injustice; it must dispose of these kindred engagements upon one and the same principle, and refuse, during the continuance of the Bank restriction act, to compel persons, tendering Bank-notes, to make their payments in a currency which, under the authority of law, and for the public good, has ceased for a time to be the prevailing currency of the realm.

Mr. *H. Thornton* said he agreed in o of the concluding observations of t noble lord, that any attempt to limit t issue of paper of the Bank of Englan would not be right. He agreed also th it was not fair to compare the paper this country with that of France. T hon. gentleman said he was of opini the bill did not stand on the mere act lord King; the discussions which it ha undergone in parliament, and the opinio which had been there given, gave it a m important feature. In various cases pe sons had demanded cash for the debts d to them. In one instance a country ba had been prosecuted for a small sum, whic the proprietors refused to pay in gol and the judges cast them in the debt a costs, which they were compelled to pa Every country banker was liable to t same form of proceeding for all t Bank notes he might issue under fiv pounds. The effect which might hav been produced upon country banks but f this bill was incalculable, for when tenan applied to the banker for gold, he migh be unable to pay, and so it would run o through all ranks and gradations, each pe son demanding of the other payment i gold, and perhaps all unable to compl with the demand. The sudden deman for gold would, of course, have the effec of rising the price, as in the demand f wool some years since; it was fair, the to anticipate the evils which would naturally follow from the trade in gold. H should support the bill on the ground o necessity, but he could not think it wa desirable to carry it into a permane system. The bill of 1797 was necessary and as far as it went an admirable one fo its purposes. It would not be proper, i the event merely of alarm or invasion, t allow the conversion of paper into gold and, therefore, as in 1797, it was highl expedient to provide against that evil, no departing from the system of 1797, as temporary measure. He should hav given his consent with reluctance to th bill, had he not heard from the Bank directors, that the issues of paper were restricted, and consequently that the circulation of that species of medium did no amount to more than when the Bank Restriction act passed. Adverting to th issues from the Bank of Paris, he observed that the restriction on that bank conduce to the restoration of the value of thei notes. He must object to that part of the bill which provided for the non-exchang gold, except that metal should at the e be at par. He thought the operation the bill should in that case have a re- pective, and not a prospective view. ooking at the value of exchange, and difference in them, he conceived if the ortation of our commodities were in a at measure restricted, and the importa- of those of the Ruler of France for- , we might by other means obtain such article (or in fact, gold) in return for exports, as should compensate. Much been said on the subject of the depre- tion of the paper of the Bank of Eng- d, but he wished that gentlemen, when y were so anxious to mark that sup- sed depreciation, would shew at what riod it began.

Mr. *Marryatt* conceived that the bill ntained extraordinary provisions, and been introduced under extraordinary cumstances, in order that ministers ght thereby read a recantation of the ctrines they had introduced under the olutions grafted on the report of the llion Committee. The bill went to sify all those resolutions, namely, That nk notes were equivalent in value to the rent coin of the realm. So far from that ng the case, he thought that the ground bringing the bill in was, that tenants uld, if the law was not declared other- se, be compelled to purchase guineas at rate of 27*s.* each, to pay their land- ds. It was not a little curious to re- rk, that the supporters of the bill ad- tted that the depreciation of paper was alarming that it was necessary to have course to legislative interference. Among extraordinary novelties which this bill roduced, might be enumerated the use excepting Ireland from its operation. could not divine why it was necessary to gislate for an evil where it was not proved exist, and to refuse to legislate for the same il where it did actually exist. He, however, uld not conceive on what principle the nantry of Ireland were to be exposed to the hardships and difficulties which uld surround them, and yet the people England were to be protected from ose hardships. He denied, as had been serted, that the commercial interests were ore affected than the landed interest. t the most extraordinary of all the pro- sions (as might be gathered from the de- aration of the right hon. gentleman) was e intention of making Bank notes a legal nder. That this bill was to be a sort of eliminary step to that object could not be doubted. The support of ministers would not have been given to the measure if the fortunes of the empire were not to be staked upon its success.

Mr. *J. Smith* condemned the plan of the noble lord (King,) as leading to the most fatal consequences. If every man of great landed property were to demand guineas for their rent, would the farmer be enabled to pay them in that coin? would he not rather say, if a depreciation of 18 or 20 per cent had taken place, and the landlord should demand 120*l.* for 100*l.* rent; "no, I paid you last year 100*l.* and I have no advantage this year which allows me to pay you 120*l.* therefore I cannot." Such conduct on the part of the noble lord, if followed, would lead to practical evils, especially among country bankers. If a country banker did not on demand pay his notes under 5*l.* in gold, he was liable to have a distress issued by the next magistrate within ten days after his refusal, the consequence of such proceeding would be the total destruction of all country banks; he thought ministers were entitled to the thanks of the country, for having brought the bill forward, or at least given it their support.

Mr. *Bankes* was not disposed to return the right hon. the Chancellor of the Exchequer his thanks for the Bill; on the contrary he thought it most unfortunate. The conduct of lord King, which led to its introduction, he had heard panegyrised and extolled, but he believed, much as that conduct had been applauded by certain persons, there was not a respectable landlord in the country who would follow his example. Parliament, in his opinion, ought to have trusted to the confidence and honour of the country, and have rejected it altogether. The hon. gent. conceived that the House ought to be in possession of the best legal authorities in the land, as to the question whether the Sheriff's officer would be liable, in case of hurry and confusion, or what redress the tenant would obtain in a court of equity. In his opinion the only radical cure that could be resorted to, was, that of a limitation of the paper currency, which would be the means of extricating the country out of the embarassing situation into which it was plunged.

The *Chancellor of the Exchequer* would not detain the House at that late hour of the night with any detailed discussion of the Bill before them, but would endeavour to confine himself to a few observations upon what had fallen from some of the hon. gentlemen opposite to him. However, in some points of view which his hon. friend (Mr. Bankes) who spoke last, seemed to differ from him in his consideration of the measure, yet respecting the principle of it, he did not differ in opinion from his hon. friend. What was most to be apprehended was an imitation of the conduct of the noble lord which had given occasion to the Bill: a conduct upon which such studied and profuse panegyric had been heaped, that it was no wonder it should invite and encourage imitation, though he by no means imagined that his hon. friend would be among those who could be tempted by the example, or who would recommend the imitation of it to others. There were those, however, who appeared so enamoured of the conduct of the noble lord, who extolled it with such loud cheerings, and such extravagance of praise, that it was evident that it was not only in theory, but in heart, they espoused the conduct and the example held out by that noble lord. When, however, the consequences with which the imitation of that conduct might be attended, were seriously considered, he would not hesitate to characterise that conduct in the effects to which it might give rise, as a conduct as improper, as dangerous, and as mischievous as any of which any individual could be capable towards his country and the community. He was at a loss to conceive that those persons by whom that conduct had been so highly praised, could be sincere in the panegyrics they bestowed upon it; or could even seriously think of advising or encouraging the imitation of any conduct which must prove so prejudicial to the country at large, and so oppressive in particular to the tenantry; for surely they should first have examined the propriety of such conduct, before they held it up as an object of praise and admiration, as a proof of patriotism so commendable in itself, and so worthy the imitation of those who could aspire to emulate so glorious an example. He had already observed, and he would now repeat it, that he did not at first consider the example of such a conduct as very dangerous, because he did not then apprehend that it would be acted upon to any extent: yet when he began to contemplate the danger which might arise while parliament was not sitting, from an example which had been so emphatically eulogised, as to make it solicit and tempt imitation; then, and not till then, did he feel the expediency an propriety of adopting some counteractin measure, before the session of parliame finally closed. For what, among other might be its consequences—the count bankers might first be applied to, and n being able to pay in specie, they would obliged to shut up shop. What disorde distress, and confusion this would produ all over the country, it was more easy conceive than to devise a remedy agains but it might be among the first advantag and blessings that might result from th praise-worthy conduct, this patriotic ex periment. The conduct of lord King w defended by an hon. and learned gentl man on the ground that it was meant onl as a practical experiment of two price as a proof at least that there actually exis ed two prices. It was not gold that t noble lord wanted; it was not his own i dividual interest and emolument he w anxious to promote; no—his sole obje was to establish his theory of two price What a strange defence of the noble lord conduct! Nor did the learned and ho gentleman confine himself to the law a equity of lord King, or to how lord Kin would act himself in this respect; but h proceeded also to shew how others migh act on the same rule. But the Hous would consider how the noble lord limite his law—how he intended to act agreeabl to contract. At the period of some these contracts was the current coin mor or less than it was now? The contra was made according to the current coin o the day; and the current coin was the only equivalent to paper; why should no paper be equivalent to coin in respect t such contracts? Was not one as muc justified in law as the other? This was question to settle, and parliament, h thought, should not separate before some thing was done to settle it. The hon. an learned gent. had thought proper to repre sent him (the Chancellor of the Exche quer) as one of the most lucky men that ha ever held the situation in which he ha now the honour to be placed. By mer good fortune every thing turned out jus as he could wish. He had in contempla tion the measure now before the House but he was puzzled how to bring it for ward. But as his good fortune would have it, lord King came forward, with hi late notice, and relieved him from the per plexity. Such, no doubt, was his fami liarity with lord King, and such his in fluence over that noble lord, that he coned with him how he should act, and wailed upon him to adopt such a line of duct as would seem to call for and ify the present Bill! Nor did his d fortune stop here. He next consult- with lord Stanhope, and that noble lord, vould seem, also conspired with him, l came forward with the Bill in the er House. But at first, he and his col- gues did not consider the Bill as neces- y, not imagining that the example of l King in this respect would be follow- to any extent;—but his good fortune s conspicuous again; for lords Gren- e and Grey so be-praised lord King for line of conduct he had adopted, that (Mr. Perceval), now perceived all the nger of the example set by lord King, ich decided him in adopting lord Stan- pe's Bill! And here he must also have nspired with lords Grenville and Grey, d prompted them also to adopt a lan- age which justified him in supporting a easure, which he had in contemplation d at heart, though he had opposed it in e first instance. These certainly were gular instances of good fortune; but e idea he must think was confined to e hon. and learned gent. and he would ave him to enjoy it without a rival. But the gentlemen opposite him contended r the existence of the evil, which they lled a depreciation of the notes of the nk, they accordingly felt called upon to opose some remedy. One proposed e remedy of two prices; another the urchase of gold, even from France; ano- her the diminution of the national debt, nd so forth. It was evident that the ractical experiment of the two prices as held out *in terrorem*. As to the pur- hase of gold, how, and by what means as it to be purchased? Not by Bank otes. Was it then to be purchased by ur colonial produce, or by our manufac- ures? But if these were to be offered to rance, would she not propose to us to ake her brandy and claret in exchange? Vould she part with her gold in exchange or these commodities? Surely not. It ad been confessed, even by those gen- lemen who opposed the bill, that gold ad sometimes, and under certain circum- tances, an artificial, an unnatural price. f they admitted that, then they admitted he principle of those who supported the present measure; they differed from them nly in the application of that principle. f the price of gold was artificial and un- natural, then it could not continue at that price. If trade became open, that artificial price would cease. But certain political circumstances might for a time put embarrassments and limits on trade: and therefore, as long as they lasted gold might rise more or less to that artificial and unnatural price. It had likewise been much insisted on that by limitting the issue of Bank paper you would lower the price of gold. This he had on a former occasion contended, and would now again contend, would not be the case; but even if to any degree it could not have that tendency, still it would be unwise to limit that issue, for by limiting it, you would risk ruining the country; for you would then cramp or suspend all those exertions on which rested the hopes of the country, and all the means by which its resources could be replenished and revived. It would diminish our trade, and dry up the chief sources of our strength. In the same manner as an artificial value might be given to gold, so also might an artificial depreciation be occasioned in paper. He would ever contend that the Bank of England paper had suffered no real depreciation. Such conduct, indeed, as that of lord King, and of those who would recommend the imitation of it, had a tendency to produce that sort of artificial depreciation of the Bank paper, and therefore such a conduct should be rejected, and a legislative measure, something of the nature of the present bill, resorted to, in order to counteract the mischievous effects of such an example.—As to the measure of making Bank notes a legal tender, he hoped it would not be necessary; he trusted that the seasonable adoption of the present bill would prevent it. The same argument was urged against the measure of 1797, and the making Bank notes a legal tender was then considered as the necessary consequences of that measure, yet fourteen years had since elapsed. The Bank notes had not yet been made a legal tender, though it was asserted that such must be the immediate consequence of a restriction on the cash payments of the Bank. Indeed, it was difficult to conceive how, with any colour of candour and consistency, the present bill could be opposed by those who advised and supported the measure of 1797.—As to the legal questions started in the course of the debate, he should not be very forward to give an opinion. It had been asked to what would recourse be had in case of distress for rent. He should only say, that the provisions of the present bill were in this respect nearly the same as in that of 1797; and in the whole course of the time that had since elapsed, only one insignificant case occurred for a decision of that question. Neither would he say how the courts of equity would act and decide in such cases. The debt for rent might, he would suppose, be paid into court; and even were it so paid in gold, the court would pay the money into the Bank, and when the case was decided, and the money called for, the Bank would pay it in paper, and not in gold. Besides other processes than that of distress might be resorted to. There might be some delay in the sentences of the law; but it should be recollected that the present was only intended as a temporary measure; and therefore any inconvenience that might arise from it, must also be only temporary.

Mr. *Tierney* said, that the right hon. gent. had been extremely comical upon one of the most serious subjects that ever came before the House. He had joked upon his conspiracy with lord King, and he had joked also upon his secret intrigue with lord Stanhope, and he had then joked upon his secret consultations with lords Grey and Grenville; but here the joke was against the right hon. gent.; because it could not be forgotten, that if lords Grey and Grenville had been willing, the right hon. gent. would have been very glad to have entered into consultation with them.—In alluding to lord King, he paid him every tribute of praise; but had he been in lord King's place, he confessed he should not have taken the step that noble lord had done. (Hear!) He wished to be perfectly understood, in saying this, as not meaning the most distant censure on lord King, whom he believed incapable of an unworthy act. He contended that this measure was, to all intents and purposes, making Bank notes a legal tender. What said the bill? You shall not take a guinea for more than twenty-one shillings, and you shall not take a Bank note for less. Guineas you cannot get, therefore you must take notes, and yet this was not making them a legal tender. The passing of this bill declared to the world that the Bank of England could not go on without support. After the passing of this Bill, Bank notes would not be the notes of the Bank of England but of parliament. The Bank had been spoken of as a body of independent merchants trading on their own capital, but it was now well known and generally understood, that the Ban of England was, to a certain extent, mere instrument in the hands of the Cha cellor of the Exchequer. He shoul trouble the House no further, but conclu with avowing it as his solemn opinion, th the present measure was pregnant wit the most mischievous consequences to th country.

Mr. *Creevey* said he should postpone h Resolution to another stage of the Bil as pressing it at that late hour might b productive of inconvenience. (Hear!)

The House then divided. For the second reading, 133.—Against it, 35.—Majority for the Bill, 98.

On the motion for committing the Bil tomorrow,

Lord *Folkestone*, after some observation on the necessity which would be impose on parliament before the prorogation, t adopt measures for the relief of the suffer ing manufacturers in various parts of th kingdom, particularly at Nottingham moved as an amendment, that the Bill b committed on that day se'nnight. Th amendment was negatived without a division, and the original motion was put an carried.

HOUSE OF LORDS.

Tuesday, July 16.

CIRCULATING MEDIUM.] Earl *Stanhop* moved the order of the day for resuming the adjourned debate on his Resolution relative to a proposed Circulating Medium. [See p. 908.] His lordship observed, that he should be trespassing on their lordships' patience, and insulting their understandings, if he were to adduce any argument to shew the importance of the subject, as without a circulating medium the taxes could not be paid, the public creditor could not be paid, nor could our army or navy receive any pay. He was perfectly aware that the Bill which had passed that House would not of itself be sufficient; and that if that Bill passed into a law, there would be a necessity, as the law would then stand, for further measures, with the view of establishing a fit and proper Circulating Medium. He admitted that that Bill was only a coat for a humpy; and that it was adapted to a distorted state of things. He had brought it forward as an immediate remedy for a pressing evil, but without having any idea that that alone would be sufficient. By that Bill, under the clause very properly added to

y the noble lords on the other side,
lords insisting upon their rent in gold
d not distrain upon their tenants—so
was undoubtedly proper. But then
er remedies were still left to them, a
llord insisting upon his rent in gold,
ht say to his tenant who urged the im-
sibility of procuring gold, "then you
st turn out." The tenant might urge
compliance with all the terms of his
enants, and his having laid out a large
n of money on his landlord's property,
still the landlord might say—"If you
't pay me in gold you must turn out."
did not know how far a court of equity
ght interfere in such a case; there was
instance in the last war in which the
rt of chancery had refused to allow a
rtgagee, under the circumstances of the
es, to foreclose a mortgage. Whether
s was right or not he did not pretend to
;—suppose, however, the tenant should
deavour to procure gold for any part of
s stock; suppose he should bring malt
hops for instance, to a brewer, take any
ewer in a large way or a little way,—
ewer Whitbread for instance,—he tells
r. Whitbread he has brought some ex-
llent malt or hops, but he must have
ld;—but, says Mr. Whitbread, I can't
t gold for you—take Bank notes now,
d I must see and procure gold for you
xt time. Then Mr. Whitbread goes to
s friend the publican who buys his beer,
d tells him, he must have gold;—I can't
t gold, says the publican, you must take
ank-notes now, and I must see what I
n do. What, if Mr. Whitbread still in-
sts upon gold, why, the publican will
ke down "Whitbread's intire," and
ut up "Meux's intire," or "Calvert's
tire," or any other intire. How now,
ys Mr. Whitbread, we have always
greed very well together, why should you
eave off taking my beer? Why, then if the
ublican is to find gold, what is he to do?
He says to his customers whom he serves
with pots and pints of beer, and chalks it
p, "you must pay me in gold." What
would be the consequence of all this?
Beer, and meat, and bread, and every ne-
cessary of life would rise to an enormous
price. To those who supported this gold
system, and who thought it popular, he
would say, Call your county meetings,
call one in Kent, and I will be there; and
if you are not satisfied with the number of
hands held up against you, call for a di-
vision; let those who are against you, go
o the right side of the street, and those who support you go to the left, and then you will see the paucity of their numbers; or call a meeting in Westminster, and put the question in Palace-yard, whether they would have bread and meat and beer dear or cheap, and see what the decision would be. There were some who, like parrots and magpies, could say nothing but "Gold, gold, gold." To believe gold necessary to a circulating medium was an idea only fit for Hottentots. To think a circulating medium of gold necessary was only shewing that we were just at the commencement of civilization, or rather on the verge of barbarism. A noble friend of his on a former night had found it difficult to conceive the abstract idea of a pound sterling. He however (lord Stanhope) could see no difficulty in fixing a standard which should not be liable, like gold, to variation and fluctuation. If he wanted to measure that House, he would of course take for the purpose some certain and definite measure, and not a thermometer, which would expand in his hand. So with respect to the pound sterling, fixing its value at the time of passing the act, it might remain a permanent standard, fixed and invariable, and which would be a certain and definite measure of value. It had been said, that plenty of gold was to be had, but how were we to get it if the balance of payments was against us; and how were we to keep it when we had got it? Would it not, under such circumstances, go out of the country as fast as it came into it? Conceiving it then to be impossible to procure gold, and that if it could be procured it was not a fit substance for a circulating medium, from its fluctuation in value, he thought it time to look to some other resource as a circulating medium; and if the system of Bank entries, which he proposed, was adopted, the difficulties we had encountered would be a fortunate circumstance, in leading us at last to a sound and permanent system. To make Bank-notes a legal tender he had a decided objection, from the impossibility, in transactions between individuals, of knowing whether they were forged or not. A man, after accepting a Bank-note for a debt, might, on taking it to the Bank, be told that it was forged—they would keep the note, and he would get nothing for his debt. The security of the public creditor was, that he was certain the Bank notes he received were not forged, because he received them at the Bank of England.

Under the system he proposed, a similar security would exist, as every person wanting to make a tender must deposit his Bank notes at one of the branches of the Bank, where it would be immediately discovered whether they were forged or not, and where he would have credit given him for the sum deposited, which entry of credit he might transfer to another, and which might be safely made a legal tender because there would be no possibility of forgery. These Bank entries might, he contended, be rendered a circulating medium fit for every purpose for which a circulating medium could be required, would be secure from all risk and danger of loss from invasion, insurrection, robbery, or accident, and the system might be carried into effect with the greatest facility. His lordship read a letter he had received, to shew, that a similar system was already practised by a country banker, and concluded by moving that the Resolutions be printed.

The Earl of *Liverpool* did not wish to enter now into the discussion of the subject adverted to by the noble earl, but would only generally observe, that he had always considered it a safer and a better course to derive principles from experience, than to lay down speculative principles to act upon, and to try whether those principles would operate to produce the good expected from them. With respect to this second child offered by the noble earl for adoption, he should merely now say that he did not object to the printing of the Resolutions, but at the same time he wished expressly to guard himself from the supposition that he thereby approved of them. He assented to the printing of them as a matter of convenience, that they might be better understood by their lordships; wishing it, however, to be distinctly understood, that he did not by that vote mean to express any opinion upon the subject matter of the Resolutions.

The Earl of *Lauderdale* said it was highly satisfactory to him to hear the noble earl on the other side decline to adopt this second child of his noble friend, but he still thought that to vote the printing of these Resolutions would be giving a sanction to them which the House ought to pause long before they agreed to. He could not but consider some parts of his noble friend's speech as inflammatory and mischievous, although undoubtedly not intended to be so. When his noble friend talked of calling a meeting in Westminster, and putting a question, whether they would have dear or cheap bread, what would it be but raising a clamour upon a subject which those who were called upon to decide did not understand? When men's minds were agitated as they now were by this subject, he could not think that his noble friend's Resolutions, or his speech were calculated to do any good. He had heard, with feelings of pain and regret those parts of his noble friend's speech, in which he had so strongly urged the absurdity of having gold as a circulating medium, recollecting that the very same arguments were used in Paris, at the time of the Revolution, when gold was equally said to be unnecessary, and when it was said, "Let the dirt return to the earth from whence it came." These very same arguments which led to the forced currency and consequent depreciation of assignats, and all the dreadful consequences which followed! Could any thing be more mischievous than for his noble friend to state, that if we returned to a cash circulation, the taxes could not be paid, that the public creditor could not be paid, or that the army and navy must be disbanded for want of pay. On the contrary, it was impossible that a sound and healthy circulation could be restored without resuming payments in gold. The convenience of a paper circulation was always admitted; but it could only be received as part of a healthy circulation when convertible at pleasure into cash. The effect of his noble friend's propositions would be to make Bank notes a legal tender under another form, it would alter the nature of all pre-existing contracts, and must produce an enormous rise in the price of all commodities. The natural consequence must be a maximum. What also was to prevent the Bank entries from being depreciated in the same manner as the Bank notes were? It was impossible to prevent this depreciation whilst the present system continued. He could bring evidence to prove at their lordships' bar, if the subject was gone into, that 3 per cent. consols had been bought at 57 for gold, and at 64 for paper. It was also notorious, that there were shops in this metropolis where two prices were regularly noted in gold and in paper. He was old fashioned enough to believe that gold was necessary to a sound and healthy circulation; and he thought the House ought not to give currency to the doctrines contained in the resolutions of his noble friend, by ordering them to be printed.

arl *Stanhope,* in explanation, said he not alledged that the taxes, the public litor, the army and navy, could not be without gold, but without a circu-ng medium. His noble friend, who made one of the best speeches upon Roxburgh case, had made as bad a ech now as his speech was good then. o a meeting in Palace-yard, he really eved that there were many persons ngst the inhabitants of Westminster understood this subject quite as well is noble friend.

he Earl of *Lauderdale* observed, that subject might be discussed any where, epended upon the manner in which it treated.

he Resolutions were ordered to be ated.

HOUSE OF COMMONS.

Wednesday, July 17.

ONDUCT OF THE PRIZE COURTS.] Lord *chrane* rose and said:

Mr. Speaker; having been twice foiled my attempts to obtain the papers which right hon. the Treasurer of the Navy r. Rose) did not judge proper to pro-ce with the rest of his correspondence ative to the Fisgard's Prizes, I am de-ous to know if I may avail myself of the rd notice, that I should move for them the first sitting day?—[After a few rds from Mr. Yorke and Mr. Stephen, noble lord was permitted to proceed.]

Sir; being permitted to proceed, I must press my surprize that the right hon. asurer should have thought proper to uble the House with his private corres-ndence, unless he imagined that the ong assertions contained in his letter to ptain Mason would be received as proof at the conduct of the courts of admi-lty did not require investigation; but erited the vote in which he concurred t session, that it was advantageous to e captors and beneficial to the public rvice. The contrary opinion which I en held, has been confirmed, and farther perience convinces me, that the abuses hich this letter is calculated to prolong, st the nation not less than five millions a ar in additional naval establishments. nder this impression I crave the indul-nce of the House whilst I make a few bservations immediately connected with e subject of this letter, the documents at are printed with it, and those which e withheld. "It is a justice," says the right hon. gent. "to the King's proctor, who is an absolute stranger to me, to state that after the closest attention given to several hundred accounts in the course of the last 18 months, I am persuaded that the interests of the navy are best protected by being in his care;" that is, under the absolute controul of one man, who, in addition to the management of his Majesty's business in two courts, and the monopoly of libelling and prosecuting to condemnation all the captures made by the navy from the enemy, possesses also the exclusive privilege of conducting the numerous and intricate litigations which have arisen of late years out of the seizure of neutrals, causes in which not only the property detained is at stake, but all that a captor possesses is answerable for the costs of suit and demurrage, which, if he is unable to pay, he may be thrown into gaol, not for errors or misconduct of his own, but owing to neglect arising from confusion in an office where there have formerly been from 1,800 to 2,000 causes in progress at one and the same time in the courts of admiralty and appeals, an evil which, unfortunately for the country, is working its remedy in a way highly prejudicial to its best interests. Let me ask, would the right hon. gentlemen opposite exert themselves with zeal if every motion they made subjected them to risk of costs, damages and imprisonment? No, Sir, they would not sit on these soft cushions unless they were amply paid, although it is easier to do so than to make captures on the enemy's coast. How would they like to be compelled, as the navy is, to employ one attorney to conduct all their affairs, even if he had not their opponents interests also to promote, as is the case with the Procurator General? Will such management of their affairs encourage the navy to impede suspicious commerce in neutral bottoms? And, Sir, if the condemnation of a boat costs as much as the condemnation of a ship, is not the capture of the enemy's coasting commerce virtually discouraged? The right hon. gent. indeed deduces a contrary inference. "You will observe" says he, "that the expences on the Johannes, which sold for 3,000*l.* were exactly the same as on the boat which sold for 250*l.*"

This fact, admitted even by the treasurer of the navy, I shall not stop to prove by the documents which I have brought here; but as the right hon. gent. tells us that "the utmost possible relief has been given by the present judge (whose attention to the interests of captors cannot be spoken of in terms of too high praise) in cases of neutrals by lessening the expences of suit proceeding against or claiming property captured as prize, if sworn to be under the value of 150*l.*"—Sworn to be under the value of 150*l.*! Now, Sir, suppose that a prize sells for a few pounds more, and where can one be found that will sell for less, what relief does this afford? —Here is a practical instance in the cases of the Africa and Ceres, where the captor had 11*l.* 14*s.* 8*d.* to pay out of his pocket, although property to the amount of 333*l.* was condemned. The King's Proctor's Bill for the Africa amounted to 185*l.* 4*s.* 10*d.* Hence the relief which calls forth the treasurer's unqualified praise, much resemble, that granted on a former occasion, "that six privateers being all under fifty tons, having letters of mart, if taken within the space of three months, by the same ship, may be condemned under one monition"! —A bounty which, like that of the judge, can be of no use.—The learned gentlemen take care to restrict the Bills they draw up, as well as the favours they grant, by limitations which preclude the possibility of their own interests being injured. Look into the 72d chapter of the 45th of his present Majesty, and you will see how they have taken care of themselves.

Nothing, Sir, can better demonstrate the effect which the dread of fraud and neglect in the Procurator General's office has on the exertions of the navy, than this account entitled "Appeals against decrees condemning ships and goods claimed as neutrals which now stand ready for hearing;" by which it appears, that the number of causes belonging to the whole navy amounted only to 92, including droits of the Admiralty and Crown, whilst about three dozen of privateers, possessing the inestimable privilege of employing counsel of their own choice, had actually 110 not injudicious captures, but such as had been sanctioned by the decisions of the lower courts. Such is the effect of the misconceptions which the right hon. gent. informs us have prevailed to a considerable extent in the navy, which has, he tells, us "been misled for want of sufficient information." Surely, Sir, it would be better to remove this misconception by the evidence of facts established in a committee, than to deny the existence of grievances, and refuse to examine them, even though that determination is accompanied by a vote of approbation of the conduct of the courts of Admiralty. No doubt, the rig hon. gent. hoped that his letter would sa us this trouble, accompanied as it is b what he calls a "public minute in t office of his Majesty's Procurator Gener to regulate the charges in prize cases pr ceeded against by his Majesty's ships. This famous minute contained in his secon inclosure is to the following effect—" is the King's Proctor's particular desire respect to his bills—first, that in all succes ful cases the bill should be made out mod rate. Secondly, in unsuccessful cases the b should contain those fees only which are a lowed on taxation." Permit me to ask, wh fees is he entitled to that are disallowed o taxation? So far, Sir, from evidencing th his Bills are moderate, this minute demo strates that the charges are regulated on by the conception which the procurator clerks have of the bounds prescribed b the word moderate!

If we may judge of the labour of exa mining a proctor's Bill by the sum r ceived by the deputy registrar for taxin that which I now hold in my hand, it wou be quite impossible for the King's Proct to examine even the charges made by h clerks, although he had nothing else to d —"Received of John Crickett, es marshal of the Admiralty, sixty thre pounds, being the sum allotted to t Registrar and merchants for looking ove perusing and settling the accounts of A. Stewart, esq. pursuant to the King's wa rant dated 15th May 1806, "signed J. R. Wheeler." This Bill contains onl 39 articles, and it is a curious circumstanc that the sum which the Registrar an Marshal allotted for their own labour, i "looking over, perusing and settling" th account, agrees to a farthing with th amount of the deduction which the made! It will not escape notice too th the Chancellor's brother, lord Arden th Registrar, was well paid though he neve saw it. It is pretty evident that such taxation is little calculated to afford relief t the party imposed on.

"For your farther satisfaction," say the right hon. gentleman, "by referenc to the 4th column of enclosure No. you will see that the disbursements th procurator has made in each case, ca culated at the lowest rate, leaves him bu 8*l.* 8*s.* in each case, for his own profits, fo the expence of clerks, and the establish ment of his office." Unfortunately for general inference in favour of such mode ration, it is a notorious fact that the

els contained in this list were con-
ned not only without litigation, but
out the usual forms of proceeding, as
right hon. gentleman himself admits
nother part of his letter, where he says,
e only exhibits produced in the Court
dmiralty were three certificates, three
avits, and a list." Neither were the
mination of the Masters taken, or a
le paper brought into court. For the
ence of real prize causes, let the House
k into the bills printed last session, in
of which, that of the Two Sisters and
eriment, the Proctor's bill amounted to
l. 1*s.* 6*d.* and the total charge at the Com-
ns to the enormous sum of 1,029*l.* 0*s.* 8*d.*
est the minute of the Proctor and the
of 19 vessels, so cheaply condemned!
uld not satisfy our minds as to the ab-
te moderation of the Procurator's bills,
right hon. gentleman proceeds to in-
n us comparatively, that his charges
re upon the whole lower than those of
vate proctors," which, if true, would
y prove, that it costs less to ruin a
se than to support it.

ermit me to ask the treasurer, who is
rous to remove "the misconception
t prevails in the navy," if he thinks that
e the commanding officers all compelled
mploy one tailor, the chancellor's for in-
nce, that it would be quite satisfactory
earn, whilst there was a certainty of
ir cloth being damaged, that being cut
sewed by old women it was made up
eaper, as might be ascertained by a
nute behind the shop board, "that it
s the master taylor's particular desire
respect to his bills, first, that the old
ies should be moderate in their cab-
ging if the coat fitted, and secondly, if
ilt, that they should take only what they
ld get." Would not persons thus re-
icted, and desirous of expedition or
e, stimulate the old ladies by a dram;
would not they quit one job and take
another? Would the interests of all be
st protected thus? Will the right hon.
ntleman affirm, in defiance of the known
tent of business in the procurator ge-
ral's office, and of the minute called
blic, which he has first brought to
ht; will he assert that the Procurator is
t under the necessity of trusting wholly
his clerks? Does he know that this
rson is in the habit of releasing sei-
res by the advice of the King's ad-
cate, and that the advocate's opinions
e founded on briefs drawn up by the
octor's clerks, by the very individuals
who, although the proctor is the guardian of the interest of the crown, felt it convenient to urge as a plea in favour of the restitution of a ship and cargo to Moir, that which Moir had not stated in his own memorial! It will be a curious fact if these very papers brought forward by the right hon. Treasurer of the Navy to shew the rectitude should establish the turpitude of the proctor's office. "I suspect," says the right hon. gentleman, "from the amount of the item of 462*l.* not agreeing with the total of the King's Proctor's bills from No. 1 to 19, that some charges of the actuary are included; the paper No. 5 will obtain an answer, which will explain that point." Now, Sir, where is the answer of the agent? Why has the right hon. gentleman not printed the reply of Messrs. Cook and Halford? Surely had the right hon. Treasurer had the least suspicion that the sum deficient was a bribe, the customary bribe to the Proctor's clerks, he would not have contented himself with asking after it in the ambiguous postscript affixed to paper No. 5, in which he says, "In the account above mentioned there is an item of charge at the Commons, &c. of 462*l.* 17*s.* 2*d.* I am desirous of knowing whether in that amount the actuary's bill at Yarmouth is included, and if so, I request you will have the goodness to furnish me with the particulars." Why "if so?" is that a specimen of the official accuracy of which the right hon. gentleman boasts? Is there an instance in which he is enabled to state with confidence that the interests of the navy are best protected by being in the King's Proctor's care? I trust that the right hon. gentleman will be able to give a satisfactory account to the House why he qualified his interrogatory, and omitted Cook and Halford's reply. But perhaps those gentlemen took the hint that, if they could not answer satisfactorily they were to remain silent. Surely such a mode of investigation cannot accord with the views of the right hon. gentleman, nor can it be satisfactory to any impartial mind; I do not blame Messrs. Cook and Halford, for adopting this mode of promoting the interest of their clients, for whilst one proctor shall manage the whole concerns of the navy by means of clerks, it would appear to be the only means of securing that which by the laws of war ought to be their property. In a case of the Lapwings, a bonus of 500 guineas was presented to the chief clerk, and the ship which the procurator was

about to have released was, after the application of the stimulus, actually condemned. The bill of the Two Sisters also affords a proof of the practice.

Not contented with defending the procurator, which in my opinion is no light task, the right hon. gentleman advocates the cause of all the law officers of the crown, whose charges, he tells us he has not had any occasion to disapprove of. Is the Attorney General one of these law officers? Let me ask that learned gentleman opposite, whether he does or does not receive twenty two guineas out of the pockets of the navy for every cause that comes before the court of appeals. Notwithstanding that, he has attended but once there since the court commenced sitting in November! If I am incorrect he will say so: Is this one of the law charges which the treasurer has no occasion to disapprove of? And does he think it right that the procurator, the boasted guardian of the interests of the navy, should not only pay the Attorney General for staying away, but fee another for coming to court, and performing his duty.

I need not waste the time of the House in shewing all the contradictions and absurdities which this letter to captain Mason contains.—In one sentence we are told, that the judge of the court of Admiralty cannot include more vessels than one in each monition, as the provisions of the 45th clause of the 45th George 3d, chap. 72d, applies only to small armed vessels of the enemy; next, he says, "they could not by the practice of the court be entitled to that beneficial regulation" and yet his 4th inclosure furnishes us with the names of two vessels, though not armed, which were condemned in one monition: The fact will appear that they were not of sufficient value to pay the gentlemen of Doctors Commons for separate monitions, and though not an universal rule, that was the only reason.

Sir, I have passed nearly 20 years in the navy, and having been constantly employed until lately, I have had full opportunity to be acquainted with the feelings of those with whom I have mixed, and I believe that unless the laws and regulations made to guide the courts of Admiralty are reformed, captures will soon cease to be made. Were that done, the enemy would then suffer the loss of all the trade which I have before stated to be of such importance to France and her
dependant states. Two thirds of our p
sent naval establishment would be qu
sufficient for the purposes of block
and all others; nay, I am clearly of o
nion, that if the courts were reforme
would be a benefit to our country if c
third of our ships were converted i
firewood. I am sure that the first lo
of the Admiralty would not vote agai
the production of papers and full inves
gation, if he knew the extent of the ev
He has however no means personally
become acquainted with the facts, a
there are but few who will venture to
form him; his disposition to do justi
evidenced in the recent appointment of t
gallant and persecuted officer, sir Rob
Calder, is sufficient to warrant this co
clusion.

I shall say nothing at present on the su
ject of the vice-admiralty courts abro
except that they are nefariously condu
ed, and that their exertions are as c
structive of energy abroad as the conduct
those in the proctor's office is of exerti
at home. At Malta the acts of parl
ment are set in defiance; the table
fees, which could legally be made by t
king in council alone, was manufacture
and remanufactured by themselves, ke
five years in a drawer, and when at l
brought out it was affixed, not as the a
directs, in open court, but on the back
a door in a private room, where the me
bers of the court eat, drank and put
their wigs. This table had a minute
the hand writing and bearing the sign
ture of the judge, authorising the recei
of additional fees, although by the 45
of his present Majesty this is punishab
under the statute of frauds.

Enforce the old laws in their spirit;
will not be necessary to make new on
Suffer them not to be evaded by the quibbl
which the lawyers have introduced. I
this and rescind the order in council of 177
constituting a single procurator for t
whole navy, in direct opposition to the o
nion of the great law authorities who we
consulted on the subject by queen Ann
and thus restore to the navy that inestim
ble privilege which the pettiest privatee
possess, of choosing their own couns
Surely the officers of the navy merit
much confidence as those who usual
navigate such vessels, especially such
sally forth from Malta and Gibraltar.

I shall not trespass longer than to e
press a hope that the right honourab
treasurer will inform us why the answ

lanatory of the questionable item, has been printed with the rest of his gar- d statement, and I trust, Sir, he will only vote for its production, but for t of the subsequent correspondence. ope that it will be found that he, who asts of official accuracy, did not rest sfied, if Messrs. Cook and Halford sim- answered that the actuary's bill was not luded.—I think, Sir, I shall be enabled arly to establish that the item, after ich enquiry appears to have ceased, ually was a bribe to the proctor's rks; what, then will become of the h compliments paid to the conduct of affairs of the navy in that corrupt ce?

In addition to the correspondence on s point I shall move for a list of the s termed moderate, and those allowed taxation: for the amount of the King's octor's bills in the two first and two last ses in each year; by which, an average y be struck, and we shall then see whe- r the right hon. gentleman's assertions, my statements, are best founded, and to the procurator's moderation, and the nefits the navy derives from being com- led to entrust their multifarious inte- ts to his superintendance alone.—The ble lord then proceeded to move for rtain papers, relative to the various in- nces of captures he had alluded to; the st of which was, for "Copies of the Cor- spondence between the Treasurer of the avy and Messrs. Cook and Halford, lating to an item of the charge of 462*l.* *s.* 2*d.* supposed, in the treasurer's letter the 29th of January 1811, to contain e amount of the Actuary's bill at Yar- outh relative to condemnation of a vessel ken by the Fisgard."

Mr. *Rose* said, he should not follow the ble lord through all the desultory matter had introduced into his speech, or rough all the cases he had thought oper to bring forward, without any re- rence to the question, and without any evious notice; but as the case of the isguard had attracted much attention om the public, he felt it his duty to move r papers in order to answer the charges. e was surprised to hear the noble lord ccuse him of mis-statement with respect the King's proctor; his assertion was, at the affairs of the navy were better tuated in the hands of one man of great esponsibility; and to that opinion he ill adhered. The noble lord had said, at fewer causes were litigated by the navy than by privateers: but that in his judgment arose from the prudence of the King's proctor, who investigated fairly, and advised against rash proceedings. He should be ashamed to dwell upon all the cases brought forward by the noble lord, but thought it necessary to explain what the case of the Fisguard was, that the House might decide upon its merits. Captain Mason, an officer of great respectability and character, had written to him, stating some inconvenience and injustice which he supposed to have been committed in respect to some vessels captured by him; to this letter he had replied on the 21st of January. After having duly investigated the facts, which turned out to the honour of the King's proctor, the noble lord had said, that it was the clerks who did the business, but however that might be, the King's proctor was responsible. The noble lord had found fault with an act of parliament, he was not responsible for that. Having entered into the particulars of some charges by the King's proctor, to prove their moderation, he thought it would be the best way to read the answer of captain Mason to his letter, that the House might see how the matter stood in the mind of the person most deeply interested. Here the right hon. member proceeded to read some extracts in which the thanks of the gallant officer were warmly expressed, for the prompt investigation of the case, and a tribute of applause pronounced upon the general conduct of the treasurer of the navy, and the judge of the admiralty court.—This was the testimony of the person most concerned in the case, against that of the noble lord who had taken it up without inquiry. As to the case of the Lapwing, the captain of which was said to have given 500*l.* as a bribe to the King's proctor's office; he would explain its nature. In going through the accounts of the prize, it did not appear to him that that sum had been accounted for, and therefore he wrote to the agents, who returned an answer in explanation stating that it was a case in which a particular responsibility was attached to captain Skene, and inclosing a letter from him, which declared that he had paid the sum with the consent of the captors. On investigation it appeared, that the sum was paid for information, without which the condemnation could not be effected, and that not one sixpence of it had been paid to the King's proctor or his officers. How could the noble lord reconcile such charges to himself? Could there now be any doubt upon this case? It was so doubtful that the King's proctor had advised against it, and it never could have been brought to a favourable issue but for the evidence procured by the 500*l.* The noble lord had said, that he never had seized a neutral, and never would. The noble lord was the best judge of his own conduct, but to his knowledge some of the best officers did so, and he was sure would continue to do so still. He did not mean to make any charge against the navy agents, who were a respectable class of men, but he must repeat, that the interests of the navy were better secured when under the direction of one person. It was unnecessary for him to detain the House any longer, as he hoped he had shewn to their satisfaction that the charge of the noble lord was unfounded.

Mr. *Stephen* wished to express his indignation at the cruel manner adopted by the noble lord of treating public men. The noble lord had brought a charge against the King's proctor, which, if true, must render him unworthy to hold any situation. Yet what course did the noble lord pursue? Did he impeach him? No; but he moved for certain papers, which had no more relation to the case than to any other case which was not yet in contemplation. Why did not the noble lord adopt another course? Why did he not go to the first lord of the admiralty, whose conduct he was obliged to compliment? He had said that he had proofs: why did he not go to the court of King's-bench, and produce them? But no, he was satisfied with merely moving for some accounts which he considered a consistent conclusion to a charge of bribery. This was not the way to treat public men. Supposing that a charge had been made against the noble lord himself at that late period of the session, accusing him of peculation, or some other crime, and that all this was followed up by a motion for the production of his accounts, would he not complain of being most improperly treated, and say that every principle of justice and humanity had been violated with respect to him? But it appeared after all that the King's proctor had not received the bribe. He begged leave to remind the noble lord of a former occasion, upon which he had accused the King's proctor, and compelled the government to lay open to the world the agency of a gentleman, who, if ever he fell into the han of the French, might suffer from the di closure. The member for Bedford ha declared, upon that occasion, that the explanation of the government was most satisfactory, yet the noble lord had no brought forward a new charge which ha been satisfactorily answered also. As the assertion that the king's proctor d manded immoderate fees, he believe them to be less than those of others, an cited some instances in which the nob lord himself was concerned, as a proof the moderation of his charges. The interest of the navy itself required that on responsible person should be employe and the individual accused appeared ent tled to the thanks of the country. H hoped when the noble lord heard such reports in future, that he would examin them privately at first, and go to the admiralty, where information was never refused. At all events, he hoped that h would never again come at the end of session to attack the character of any ind vidual in a measure which was not warranted by the circumstances of the case.

Captain *Parker* defended the court o Admiralty from the imputations cast upo it by the noble lord.

Lord *Cochrane*, in reply, said, that h had not been answered in a single poin (Hear! hear!) He repeated, in not single point. He had asked, why th answer of Cook and Halford to the righ hon. gentleman's letter, No. 5, had no been presented among the other papers He had pressed that question strongly, bu had got no answer. The right hon. gen had, indeed, read captain Skene's lette approving of the disbursement of 500 but captain Skene's information on th subject had been defective. He repeate that the proctor and his clerks had bee averse to the prosecution of the cause till the application of the stimulus whic they had no right to receive. If a Committee had been granted him last year, h would have proved that 27,000*l.* had bee improperly taken from the navy by tha office: but when gentlemen refused a inquiry, it was too much to tell him tha his accusations were unfounded. If they put these cases in a different light, an argued upon them, he could not help that he spoke of the king's proctor, not as a individual, but as a public officer entrusted with duties which he coul not fully perform. The right hon. gent plumed himself on the answer of captain

son, complimenting him on the attention
ch he had paid to his case, and the in-
sts of navy captors in general; but
tain Mason, too, might have been ill-
ormed on the subject. The right hon.
at. had written to captain Mason, that
asures had been taken, under the sanc-
n of the court of Admiralty, to prevent
due charges by the agents at the out
rts in future. Why was there not some
actment on the subject, that officers of
e navy might have something precise to
st to? The hon. and learned gent. op-
site (Mr. Stephen) had last year moved
Resolution that every thing had been
nducted in the most proper way by the
v officers. How the House could have
reed to such a Resolution without in-
iry, was to him astonishing. He saw
foundation for the delicacy alledged
th regard to bringing forward the name
Moir, as it had long been notorious that
e had been employed in facilitating the
ade of the enemy for ship timber. He
enied that he proposed a per centage
pon the amount of captures as fees for
e proctor; he had only said, that there
ught to be some regular rule that the
ptors might know whether they were
ronged or not. As to the observation,
at captors were formerly entitled only
one-third of their prizes, this only
roved that the ministers who altered the
ystem knew better how to make use of
e motives by which men were generally
ctuated than the present ministers. The
ing's proctor had as many causes in the
dmiralty court as 79 other proctors; this
ought not to be: there ought, at least, to
be six king's proctors, out of which the
officers of the navy might choose. He
asked the hon. and learned gent. whether
e did not attend sometimes in the court of
appeal for the attorney general, and took
the fees, while the attorney, though absent, was still paid for his attendance. Formerly the king's proctor sat at one end of the table, preparing their cases for the captors, while another proctor sat at the other end, preparing the cases of the claimants. This glaring abuse had been done away, and he hoped others would be done away in the same manner. He then read a memorial from his relation, sir Alexander Cochrane, a man not likely to be actuated by the prejudices imputed to himself, strongly urging the objection to the circumstance of there being only one proctor, and stating that there were grounds to believe that this proctor secretly appointed the proctor on the other side to defend against himself. His lordship further stated, that next session he would bring in a Bill to amend the law on the subject of prizes, and asserted that the commerce of the enemy was carried on to a great extent; and that the Mediterranean was crowded with their ships, in a great measure owing to the want of a stimulus, which, while they were men, would induce the officers of the navy to keep a sharper look out.

Mr. *Rose*, in explanation, said, that the noble lord was, he believed, the only officer who would suspect him of throwing a shield over the navy agents. As the noble lord had returned to the charge of bribery, he thought it necessary to repeat what he had already said, that the 500*l.* was given to obtain information.

Lord *Cochrane* said, he had not accused the right hon. gent. of partiality to the agents, but only that he ought to have made more enquiry, and give further information.

Mr. *Stephen* said that though the Attorney-General could not always attend in court, the crown and the captors had the advantage of his advice.

The *Attorney-General* said it was true that the law officers of his Majesty had not been present at all the causes in the court of admiralty, but this he could say, that all the little assistance he could render, always had been rendered. The cases were fully discussed in consultations, and he had never failed to attend the Privy Council. If it was imputed to him as a great omission that he did not constantly attend in court, he could say it was impossible. He trusted that those who knew him and his practice, would not suspect that he deserved what had been rather harshly imputed to him in his absence. He had always made his private business yield to his public duty.

Lord *Cochrane* said he had not charged him with any wilful neglect; all he contended for was, that if he could not attend, he ought not to be paid.

Mr. *P. Moore* conceived that the House ought to grant the motion, in order to give the noble lord an opportunity of making good his charges. When a person standing forward in the light of a public accuser, brought on charges, which were answered, and notwithstanding that answer, repeated the charges, it was in common justice due to that person, to afford him the means of grounding a motion for a committee to inquire into the truth of what he had stated.

The *Chancellor of the Exchequer* had never heard a more preposterous doctrine than that advanced by the hon. gentleman who spoke last. What, because the ground upon which the charges of the noble lord were built, was taken from him, that, therefore the House was bound to grant the motion. It was a proceeding that could not be tolerated. The king's proctor had been charged without due notice given to him of the charges; for all that was known on the subject previous to bringing it forward, was a notice on the book of the table, " for papers relating to ships taken by the Fisguard." In this notice was there any tittle of evidence or charge of bribery against the king's proctor, so that it could be met! Was there, indeed, any misconduct imputed to that officer? Yet in the statement of the noble lord he very broadly charged corruption in every instance in the office of the king's proctor, and promised, if a committee was granted, that he would prove his charges. The answer which had been given by his right hon. friend to the charge relative to captain Skene, would condemn the noble lord in the first instance, and in any charges which he might make in the next session. Was it to be endured, that because the noble lord chose to invest himself with the delightful office of public accuser, and to desire that he might be allowed to keep charges hanging over the heads of meritorious and honourable public officers all the vacation, that he should have his desire? Did the House think, that next session, judging from past experience of the noble lord's motions, that he would be prepared to make good his charges? Was it possible, on such a statement as that he had now made, the House could grant an inquiry? He had talked of bringing forward a bill to amend the law. That he might do, and if any thing was found wrong in the present laws on the subject, to be sure the noble lord's suggestion, which he was justified in making from his known experience, would be attended to; but he could not suffer this House, merely at the request of the noble lord, to be turned into a channel for libel and slander to aim their course against any individual. The House he thought would do well to reject such motions, which, brought forward as they were at the end of a session, prefaced with inflammatory speeches, could be productive of no public benefit.

Captain *Beresford*, in justice to the kin
proctor, stated, that in the prosecutio
all cases from abroad, he had found t
officer as honourable a man as ever exist

Sir *J. Nicholl*, after the honourable
quittal which, in the judgment of
House must be pronounced, would
have troubled them with any observatio
but for the pertinacionsness of the no
lord, who still maintained that he co
prove his charges. The noble lord had
right to say, that if the papers were p
duced, they would prove his charges to
correct. When he stated that the offic
of the navy had been defrauded of 30
cent. he inculpated all the officers of
court of admiralty, not even omitti
the right hon. and learned judge. T
noble lord had moved for the papers
the subject last session. Wishing to thr
every light he could, he had seconded th
motion, and from time to time furnish
additional papers. All of these went
prove, that there was not the slight
ground for the accusation of the nol
lord. Indeed, the House had, *una v*
almost, acquitted the law officers o
crown, for the noble lord could only fi
six members on the division upon
original motion, and when the *resoluti*
for acquitting the law officers was propose
the only vote against it was the noble lord
Under these circumstances, then, the rig
hon. and learned gentleman trusted t
House would agree with him, that the
were just grounds for complaining of th
conduct of the noble lord, and for think
that the officers of the admiralty court ha
been treated with much injustice. He ha
to assure the noble lord that his charg
could not affect him, for he did n
now hold the situation of king's adv
cate; had nothing to do with governme
business; all his practice being confined
the ecclesiastical court.

Mr. *W. Smith* thought the House woul
not object to grant the motion. Wit
respect to the rest, he hoped the nobl
lord would withdraw them. At the sam
time he felt himself inclined, should th
noble lord next session bring forward an
motion respecting abuses in the Admiralt
court, to support him. He conceived tha
the interests of the public might have suf
fered from the very high character whic
the officers in that court held, he mea
the learned judge and advocate. He kne
that abuses, notwithstanding their re
spectable characters, really did exis
Cases had been mentioned to him of abuse

to get at the truth or falshood of those es, he had frequently consulted proctors o confirmed the facts, but desired their nes might be concealed. Feeling him- bound in honour not to disclose their nes, as the facts were imparted under veil of secrecy, he should abstain, but as sufficient that they were in exist- e to warrant inquiry.

ir *W. Scott*, from the allusion which the . gent. had made to him, was called n to say a few words. If the hon. t. had stated to him, in the way he now described, those facts he had men- ed, he should have enquired into them. begged to remind the hon. gent. that uld have been the proper mode of pro- ding. It must be obvious, that the y course was to bring cases of abuse er the cognizance of the regular au- rity appointed to inquire into and cor- t them. If he had declined to institute t inquiry, then the next course for the . gentleman to have pursued, was to ng them before the notice of the House, l the accusation would be against him refusing to exercise the authority vest- n him. Not having done so, the hon. tleman must excuse him if he com- ed of injustice, because the statement peared to charge him with having re- ed the aid of his powers. He hoped t for the future the House would not ve to enquire into every complaint, un- s it was proved that the courts of justice l failed in the due execution of their hority.

Mr. *W. Smith* declared, that he had not e slightest intention of making an accu- ion against the right hon. and learned nt. He was not aware of any abuses ich fell within his correction, which d not been attended to. But this he ew, that there were many cases of ong injustice in the admiralty court.

The first motion was put and agreed . The second motion was then pro- sed by the noble lord, but not being conded by any hon. member, fell to the ound. The noble lord then stated his ention of making this the subject of dis- ssion in the course of the next session.

MOTION FOR DISALLOWING THE VOTES THE BANK DIRECTORS UPON THE GOLD IN BILL.] Mr. *Creevey* rose, for the rpose of submitting to the House a Re- ution for disallowing the votes of certain embers in the further stages of the Gold in Bill. Previous to which, he desired the clerk might read the extract from the Journals respecting the Loyalty Loan of 1797.—[The clerk accordingly read the extract, which consisted of a motion for disallowing the votes of George Rose and William Huskisson, esqrs. on the loyalty loan bill, they being interested as subscribers. Those gentlemen having been heard, and stated that they declined any interest, withdrew, and the House rejected the motion]. The hon. gent. observed, that he did not object to any thing done on that occasion, because the two members were allowed to vote; the real state of the case was, that Mr. Pitt had given them bonusses on the loan of that day, and they, upon the objection to their votes being taken, stated that they had parted with their interest, and therefore the House allowed them to vote on the bill. The case was different with another hon. member, he did not know whether he was now a member of the House or not, but his name was Manning. On that occasion Mr. Manning stated how he was situated, that he held some of the loan, and took the advice of the then Speaker how he was to act. The Speaker decided, that if he possessed any interest in the loan, that was a disqualification for voting, and Mr. Manning accordingly withdrew and did not vote. The other case was that of a bill for incorporating a bread company, consisting of fifty pound shares. Some of the members were part of that community, and the Speaker decided, that they bearing an interest, were not entitled to vote. These were cases which were in point with the present. He held in his hand a list of Bank proprietors, in number 45, who, as he should contend, possessing from their situations an interest in the present bill for legalising the tender of Bank notes, were consequently disqualified, and ought not to vote. In order to shew the interest these forty-five persons had, it was only necessary for him to refer to the act of 1797, restricting the issue of gold by the Bank of England. By this act the company were restrained by law from paying their legal creditors in cash, in consequence of which, having before the period of passing the act issued notes to the amount of eleven millions, and supposing that sum to be for their capital, they did, after the passing of the act, increase their issues to twenty-one millions. The effect of the act was this, that there accrued to them a great increase of interest—that in the way

of bonus they had in the 14 years subsequent to 1797, divided among themselves the enormous sum of six millions sterling; that they had increased their dividends from seven to ten per cent, and that the rise in the price of their stock was almost unparalleled, it being at that time only 118, and now 236. All these benefits had been produced by the bill of 1797, and he would ask, what greater interest could they have than in their being invested with the power of coining? Could the case before alluded to be put in comparison with this power? Would it be contended by any one that it was right for the House to permit them to double their fortunes? With respect to the interest which these persons might have in the bill, if he were to say that these notes were depreciated, he might be liable to the same observation which a right hon. gent. had applied to his noble friend (lord King) and be called a jew and a pedlar. It was quite sufficient for his purpose, without stating any such opinion, or noticing the unfortunate cases of Mr. and Mrs. De Yonge, prosecuted for selling guineas, to state that those cases, and the conduct of his noble friend in demanding guineas for his rents, produced this bill making bank notes a legal tender. The operation of the bill was to grease the wheels of the Bank, and to set them, as in 1797, a coining again. They might, when the Bill passed, turn their rags into paper, give them a nominal value, whatever value they chose, and no one dared refuse to take them as coin, and then would follow a further increase of dividends and bonuses, and a note might, perhaps, eventually be sold for twopence, which passed now for twenty shillings. Under these circumstances, those members composing the list he held in his hand, ought not to be allowed to vote. Some of them, without mentioning their names, were Bank directors; others were proprietors only; when he approached the Bank directors it was with the greatest awe, for he knew they were the greatest persons in the country, greater even in point of power than their brother directors in Leadenhall-street. He was aware that in naming them, he might render himself open to be assailed with harsh names, but still they possessed great powers; for the legislature protected them against paying their creditors, and they in return furnished the government with aids for carrying on the war; in fact, the government might be said to be composed of three
estates—the King, the Bank of Engla
and the East India company; and th
would go on just as well if the minist
as in the East India direction, were
change with the Bank directors, and
out by rotation; for the right hon.
Chancellor of the Exchequer, admirabl
he was in his speeches, would, if he w
to change seats with the gentlemen un
the gallery, have his paper then as mu
admired as his speeches ever had be
It had been said on a former night, by
hon. friend of his, a Bank director, t
he could not have any influence or in
rest, for he possessed only 2,000*l.* sto
but he never saw any commercial man w
could not get accommodated at the Ba
to the extent, as in a late case, if wanted
200,000*l.* He should like to know w
sort of a figure his noble friend lord K
would cut, were he to go there and ask
accommodation. The hon. gent. then
ferred to the list, and observed, that he wo
take the first name, which was the ri
hon. George, lord Arden; now look
over the Report of the Committee
pointed to inquire into sinecure places,
found that lord Arden held the offices
a lord of the Bed Chamber, Register
the court of Appeals, and Register of
high court of Admiralty. When cal
before the Committee, and questioned
to the amount of his fees, the noble
refused to answer; and it was not until
deputy, Mr. Jenner, was examined,
any information could be gained. It th
appeared, that the fees which the no
lord received amounted to twelve thous
pounds per annum; that for the last
years, the public money remaining in
hands amounted to 200,000*l.* on
average yearly. Now, the right
gent. had called his noble friend and so
others "Jews and pedlars;" might
the same appellation be liable to fall up
lord Arden? might he not have laid
in Bank stock the 200,000*l.*—(Cries
Order, order! (Why when the right h
gent. was talking of lord King, who
only making the best use of his own p
perty, which he had the right of doi
he was complimented with the title of J
and was it unreasonable to suppose t
lord Arden could not be as gallan
defender of his property as my lord Ki
If the right hon. gent., by the term "Je
meant a vigilant guardian, it might
fairly said, from what was to be foun
the Report of the Committee, that
lord of the Bed Chamber, and the B

rietor had as firm an attachment is own interests as my lord King. honourable gentleman then moved at it appears to this House that in equence of an act passed in the 37th of his Majesty, for protecting the k of England from payment of its law- reditors in specie, the profits of that oration have increased to an enor- s degree; that besides increasing dividend upon their capital stock 7 to 10 per cent. they have at rent times divided amongst themselves, e way of *bonus*, upwards of of six mil- s of money, being more than one half eir capital stock; and that in addition uch profits, their capital stock has, by advantages of encreased issues of their er, and non-payment of their creditors, n increased from 118*l.* per hundred to ; that, under such circumstances a is now pending in this House, giving gal value in the coin of this realm to notes to be issued by such Bank, ever indefinite such issues may be, and ected as the Bank still is from pay- nt of its creditors, by means whereof issues of notes, and the profits of the k may be even still further and greatly reased; that various members of this use are members, likewise, of the said poration of the Bank, and proprietors Bank stock; and that this House is of nion such members have a direct in- est in passing this bill into a law, and their votes in favour of the same ought e disallowed."

Mr. *Maninng*, being particularly alluded y the hon. gent., hoped he should be cused in troubling the House. The . gent. had by name referred to him the member who in 1797 applied to Speaker for advice. The fact was so, he had no intention of correcting it. ere was not, however, the least simili- e between the two cases. In 1797 on proposal of the then Chancellor of the chequer, Mr. Pitt, a *bonus* was granted the subscribers to the loyalty loan. eling that if he had given his vote for Bill, he should have been voting 1,000*l.* rhaps, into his own pocket, he was anx- s, before he came to the vote, to satisfy mind, and to do justice as a member of rliament, and upon the opinion being en by the Speaker, he did not vote. ith respect to the present Bill, the hon. nt. had not stated any ground of dis- ct interest to disqualify him from voting, d he must deny the existence either in Bank director or Bank proprietor. They would not be benefited by the passing of the bill one half-crown. It had been said, that the bank directors had brought in the bill; they had not had any communication with the noble earl who brought it in—had neither solicited, desired, nor supported it. He could put it to the House whether this bill, as in the case of the loyalty loan, involved any pecuniary interest. If it did, he should, as he did then, withdraw, but having no such bearing, he conceived that no proprietor ought to be excluded from voting. On the division upon the last reading, the numbers were 113 to 35, therefore, he would gain nothing by his motion; for if the whole of the Bank directors were to be left out, still there would be above 100 members of parliament remaining, to give their free, cool, and deliberate judgments on it. On these members no such imputation as interest would rest; as well might objections have been taken to the votes of certain members upon the distillery bill now before the House. The hon. gent. ought to have challenged the votes of the member for Norfolk, of the member for Cumberland, and, in short, of all the agricultural interest, for they were certainly mainly interested in that question. It was not however, necessary to follow the hon. gent. in all the questions which he had so irrelevantly introduced: there was no evidence to prove that the bank had divided six millions, nor was he bound to say whether the profits of the company had been more or less; but he would ask the House, whether any company, holding a charter from government, for which they paid a large price, was to sit still with their hands behind them, and, unlike other companies, neglect to increase their profits fairly and honestly. Other companies' stock had increased in value: for instance, the Royal Exchange assurance from 77 to nearly 300 per cent. The Grand Junction Canal was another instance. It was not exactly fair in the hon. gent. to travel into another place, and bring forward the name of a noble lord, whom he had the honour to call his friend, and state that he had public monies in his hands which he might have invested in the bank. His surprize was so great that he was about to have risen to order, but the House seemed to feel the impropriety, and expressed their opinion. Both in the case of lord King and lord Arden it was improper to mention their names, as neither could answer for himself, not being members of that House. He should object to the motion, and in voting on the Bill exercise his own judgment, until he was reminded by the House that he was doing wrong. He should continue to pursue that line of conduct which his conscience told him was correct, not deterred by any thing the hon. gent. could say, but exercising his abilities for the interest of the country.

Mr. *Dent* did not think there was a gentleman in the House could be influenced in the vote he should give; if there were any such, it was the duty of his hon. friend to point them out. He thought my lord Arden had been dragged in head and heels for the purpose of being abused. Instead of taking the name of my lord Arden, his hon. friend might have taken the first on the list, and there he would have found the name of the Speaker; and the noble lord was introduced because his hon. friend was aware that the right hon. the Chancellor of the Exchequer had too much of dignity, too much of feeling, to answer the observation, and therefore he thought himself secure, and that he should go scot free. With respect to the statement of the profits of the bank, that he did not think correct, and stated a history of the bank from their first formation, in 1696, to shew that they had always kept up a close connection with the government.

Mr. *Long* was satisfied that every gentleman in the House would see the motive which induced the hon. gent. to select the name of lord Arden. It was invidiously introduced—[Mr. Creevey denied that he had so introduced it.] The manner, the time, and the observations, were too glaring not to convince the House of the motives of the hon. gentleman. He had no doubt, but that if his name had begun with a Z instead of an A, and that therefore he had been at the bottom instead of the top of the list, he would have been equally selected. If the noble lord had not himself answered the questions put to him, he had, however immediately referred to his deputy, who knew better than he did; and this deputy did give the Committee as much satisfaction as they could desire with respect to the amount of lord Arden's emoluments. There was a prodigious difference between the case of the loyalty loan, where the decision of the question put 500*l.* into the pockets of every subscriber to the amount of 10,000*l.* and the present question, where, if there was any
interest, it was the most minute that co
well be conceived. A number of me
bers in that House had a much greater a
more direct interest upon the Distille
question, and it might be as well contem
ed that no member should vote upo
Canal Bill, who had any property in a
ther canal which might be at all affect
by it. The gentlemen who opposed
bill seemed a little inconsistent in this p
ticular, that while they contended tha
would accelerate the depreciation, th
still spoke of it as supporting the Ba
He thought it unfair for them to use
argument in this manner on both sides.

Mr. *W. Smith* could not help observin
that however just might be the disappro
tion expressed of any allusion to the m
tives of one noble lord, the sentiment w
equally applicable to the censure pass
upon the conduct of another. With
spect to the objects of his hon. friend w
had brought forward this motion, he h
not the smallest doubt of the purity
his views, although he did not think
had fully succeeded in proving the dire
pecuniary interest of the Bank propriet
in the present bill, and if any indire
interest was permitted to operate as
exclusion, it would on many occasi
cut off half the votes of the House. T
question, however, now was quite disti
in its nature; it was a question betwe
the interests of a monopolizing compa
(he did not mean to speak invidiousl
and the interests of the public. Now,
had never heard of a corporation
barley growers, or of a corporation
West India planters, or of any act
parliament, to defend them against
lawful demands of their creditors.
in 1797 a motion similar to the prese
had been made, he could not believe th
it would have been resisted, it being th
clearly the direct interest of the pr
prietors that the restriction should ta
place. He did not assert that they fi
suggested or brought that measure fo
ward, or that any censure ought to
passed upon them for their conduct
that occasion. Their evident and imm
diate interest in the question ought, ho
ever, he conceived, to have prevent
them from publicly voting in favour
it. The right hon. gentleman had sai
every holder of a Bank of England no
might, by the same rule, be excluded fro
dividing; but he surely forgot, not on
the very small and temporary interest th
held, but also that every holder of

did not thereby enjoy the profits or privileges of a Bank of England cor- ator. It had been said, that there was egular or authentic proof before the ase of the Bank having acquired any raordinary profits by means of the ension of cash payments; but if re was no such proof, there was cer- ly the very strongest presumption, as was himself prepared to shew. Pre- ns to the year 1797, the dividend on k stock remained for a number of rs at 7 per cent. His hon. friend had mated the whole profits of the last six rs at 6,000,000*l.* He held a paper in hand, which shewed, that during the rteen years since the suspension, the nk had divided *32l. 7s.* per cent. in nusses. Their dividend had increased t to 10, and subsequently to 11 per nt. Instead of 7, as before the act of triction, the dividend had been at the erage of 10½ per cent. This was mat- of fact. The whole increase of profit s therefore 50 per cent. within the years; and a person holding stock in 97 might have continued his ordinary penditure, and without risk or labour, ve doubled his capital in that period. her companies, such as the Royal Ex- ange and Grand Junction Canal, had ade great profits, but they had not made em through the medium of any legis- ive act to exempt them from the pay- ent of their debts. If these companies d possessed this privilege, what would ve been so likely to raise these profits a much greater height? If the inte- st, then, of Bank proprietors was thus esumptive, and thus plain, was it not a rong argument against the propriety of eir voting on a bill which was to give a alue to their notes that was not derived om, or supported by, their own intrinsic redit? From whatever cause this bill riginated, it was his fixed opinion that ere could not be a measure devised ore sure of giving a stab to the credit of e Bank. He did not affect to praise the onduct of lord King, although he was re his motives were good, but he was onvinced of the truth of the maxim, that here power begins confidence ends. It was pon these general grounds, and on prin- iples universal in their application, that was his decided belief that the directors ould not better consult their own interest, han in either moving that the clause of the ill now pending, and enacting, that their otes should not be received under their nominal value, be omitted, or in abstaining from giving their votes in favour of the measure.

Mr. *Bankes* denied, that in 1797 the proprietors of Bank stock ought not to have voted on the Restriction Bill. That measure had not been brought forward for their benefit; although it had eventually turned out to be advantageous to them, it was a question of general interest, and as such, the proprietors of Bank stock were as fully entitled to vote upon it as any other members of parliament. His opinions were the same on the present occasion. On the principle maintained by the hon. mover, the possessor of landed property ought not to be permitted to give his vote on the present Bill, for such an individual was much more deeply interested in the question than the most extensive proprietor of Bank stock in existence.

Mr. *Abercromby* thought that as the measure of 1797, restricting the cash payments of the Bank, was of great service to the proprietors, they should not have been permitted to vote on it; and the same argument applied to the present case. Bank notes, which, it was said, had suffered an artificial depreciation, would, under the Bill lately introduced, be taken for their nominal value. Of course every stockholder had an interest in the authority of parliament being pledged, as it would be, if the Bill passed. He hoped the House would decide against permitting the votes of the directors to be taken, not from any hostile feeling against the Bank, for, if he could indulge in such a feeling, his utmost wishes, he was convinced, would be fulfilled by enacting the Bill then before them. He was an enemy to monopolies of every description; and he would leave to the hon. gentleman opposite the monopoly of making personal attacks. But he could not held remarking the feeling which was manifested when the brother of the Chancellor of the Exchequer was mentioned. The noble lord (King) when he was censured, was not present to defend himself any more than the other noble person. But there was this distinction between the two cases, that the conduct of lord King was in reference to his private concerns, while that of lord Arden took place before a Committee of the House. Yet, because his hon. friend had taken that name which stood at the top of the paper, a feeling of indignation appeared to be raised.

The *Chancellor of the Exchequer* said, it seemed from the explanation given of the introduction of the noble lord into the discussion, that nothing invidious was meant. He was merely selected as standing first on the list, and not at all as being brother to the person opposed to the hon. gentleman. The noble lord might certainly have been brought forward as a Bank Proprietor, but why he should be mentioned as a person who had been examined by a Committee of that House, he was at a loss to conceive. With respect to the mention of lord King, he really thought, from the nature of the question, it was impossible the debate could have gone on without referring to him; for the whole argument turned on the propriety of permitting or preventing him from pursuing a certain line of conduct. He did not think the same necessity existed for mentioning lord Arden. The hon. gentleman had, however, introduced him; whether in a complimentary manner, or otherwise, he could not say; and perhaps, it was no great matter which. He denied, that he had ever called lord King a Jew or a pedlar. All he had said was, that the noble lord was the first person in his exalted situation, who had acted on that principle, which none but Jews and pedlars had before recognised. With respect to the general question, he agreed with his right hon. friend, that every member who possessed Bank notes was as much interested as the proprietors and directors: for, if the Bank note was considered as only worth 16*s.* now, but that the passing of the Bill would raise it to 20*s.* there certainly must be an interest.

Mr. *Hibbert* opposed the measure. He considered it as one of general interest, and would think it hard to exclude any particular class of men from giving their votes upon it. As a merchant of thirty years standing, he gave his tribute of applause to the conduct of the Bank. Whether granting or refusing accommodation required of them, he had never during all that period heard their conduct arraigned. He adverted to the conduct of lord King, in considering which, he thought they ought never to lose sight of his declared opinions, but always measure his actions with a reference to them: seeing no chance of a change of system, and holding that the depreciation of notes would go on most rapidly, he had, as it were in despair, endeavoured to arrest them in that course.

Mr. *Creevey* shortly replied. He did not think any apology required for an thing he had said with respect to lo Arden. He had found him at the head the list of stockholders, interested to t amount of 200,000*l.* and a strong advoca for the preservation of his fees. Und these circumstances he had reminded right hon. brother, the Chancellor of t Exchequer, that, before he called lo King a Jew, he should look at the condu of his noble relative, between which a that of lord King there was a perfect milarity. He insisted that there was similarity, and confessed that when made this discovery, he was very glad find it applied to the right hon. gentl man's brother. The right hon. gentlem had said, he did not know whether spoke ironically or no, but that it was little consequence. To this he could onl say, that he did not undertake a comp tition in jokes with the Chancellor of t Exchequer. With respect to his motio he still adhered to the opinions he had d livered.

The *Speaker*, before putting the que tion, observed, that, after a debate of th kind, it might be expected by the Hous that he should give an opinion upon th subject. The question was of a mixed n ture, involving law and fact. On th former only would it be becoming for him or, perhaps, would the House permit hi to speak. The rule was very plain. they opened their Journals, they woul find it established 200 years ago, and the spoken of as an ancient practice, that personal interest in a question disqualifie a member from voting. But this interes it should be further understood, must be direct pecuniary interest, and separatel belonging to the persons whose votes wer questioned, and not in common with th rest of his Majesty's subjects, or on a ma ter of state policy. So it was, that on canal bill, a person whose name was dow as a subscriber, could not vote. On th same principle, the question raised on th Loyalty Loan was rightly decided; fo that was neither more nor less than t give a certain pecuniary remuneration t persons who had sustained a loss. It wa equally clear, that the House had don well on questions of taxation or colonia policy, which were held not to disqualif any votes. Such was the law on the sub ject. How far the fact applied to the pre sent case it was for the House to decide

The question was then put, and nega tived without a division.

OLD COIN AND BANK NOTE BILL.] Chancellor of the Exchequer moved order of the day for the House going a Committee on this Bill.

Mr. *Bankes* took the opportunity of di- ing their attention to a matter con- ted with this subject. He alluded to new three shilling tokens, issued by the nk. He thought it wise to have a me- ic small change; but considering the racter, honour, and prosperity of a ntry to be most intimately connected h the arts, he could not help reprobat- , in the strongest terms, the paltry, etched, and clumsy manner in which se coins were executed. The French nage was, at this moment, infinitely su- rior to ours; and in the world there was hing so bad as these tokens, with the ception of the king of Sardinia's coin- e. He expressed his hope that this sub- t would, hereafter, be attended to, and country not be disgraced by such venly impressions of the King's head on current coin.

Mr. *Dent* did not object to the Speaker aving the chair, but took occasion to ate his opinion, that a resolution of the erchants to receive and pay Bank notes their nominal value, as was done on the 5th of September, 1745, would have been fficient to remedy the threatened evil, d have completely superseded the ne- ssity of this Bill. As a temporary mea- re only, he gave it his support.

Mr. *Brougham* entertained such an insu- rable objection to the principle of the ll, that he was persuaded no modification that principle in a Committee would nder it an expedient, or even a harmless easure. He would avail himself of the esent opportunity to ask some few ques- ons respecting the non-descript currency at had recently been issued by the Bank. e understood that it had been coined at e national mint. Was that the fact? If , by whom was the expence defrayed? he nominal value of these tokens was ree shillings. What was their real alue? Certainly they were not worth hree shillings. How were they debased? Vas it by the introduction of alloy, or by he diminution of weight? Why not affix wo shillings and sixpence to them as the ominal price, and then procure an Act of arliament to make them pass for three hillings? This would be to put them on footing with the notes. It was well known that there had been a great want of change all over the kingdom, and no where more than in the metropolis. Bankers had been obliged to go into the market for it. The undepreciated Bank note of one pound could not, it seemed, be exchanged for twenty even of the base and depreciated shillings current. A hundred and four of these pound notes had been frequently given for a hundred pounds worth of silver. Had this circumstance been adverted to in the late Bank issue? If not, if the tokens had been made too large, they also would soon be sold at a premium. The Bill before the House was defective in every respect. It was so constructed, notwithstanding all the attention given to it by the crown lawyers, that it would make the punishment of the crime which it enacted, different in England and Scotland. In England it would be a misdemeanor, subjecting the offender to fine and imprisonment; in Scotland it might be a misdemeanor, which the judge might punish at his own discretion, with fine, imprisonment, or transportation. To shew that this was a discretion which ought not to be trusted to the Scots Courts, he instanced the case of a barrister of the most respectable character and most eminent talents, who, having been convicted in Scotland of the misdemeanor of lending Paine's Rights of Man to a friend, was sentenced by the judge to fourteen years transportation to New South Wales.

Mr. *Manning*, in reply to some of the questions of the hon. gentleman, stated that the three shilling Bank token weighed nine pennyweights and eleven grains; and that at the present price of silver, it was worth two shillings and nine-pence halfpenny. These tokens had been issued by the Bank, solely for the convenience of the public. It had been said in another place, and by a high authority, that the Bank had made great sums by their issues of coin. Now, what was the fact? Four millions of dollars had been issued since 1804. When the Bank raised their nominal value to five shillings and sixpence, there might be three millions in circulation (one million having probably been melted), in which there would therefore be a loss of 75,000*l.* The price of silver of late years had been so high that it was impossible to coin the currency of the realm, and the Bank had stepped forward to lessen the consequent inconvenience. They had already liberally supplied the bankers in the metropolis with these tokens; and it was their intention, as soon as possible, to send down large quantities to the various commercial towns in the country. In one week they issued 35,000*l.* worth, which was half as much as the whole silver coinage of the present reign.

Mr. *Rose* thought it but justice to the Bank to state, that they had lent themselves to the public service with considerable loss and inconvenience to themselves. Every body was aware that the silver coinage of the country had nearly disappeared. Under the present circumstances a new coinage was impracticable. If government were, at the present moment, to coin a number of shillings and sixpences, they would not be current a week.—(Hear, hear, from the opposition benches.) How would the hon. gentlemen correct this evil? He had heard gentlemen talk very flippantly of obtaining bullion as easily as claret. But with what would they purchase it? It was impracticable to procure it, and in this state what was to be done? Would they reduce the intrinsic value of the coin of the realm? The propriety of doing this had been discussed a century ago. It had been advocated by Mr. Lowndes, and resisted by Mr. Locke and others. The latter triumphed; a silver coinage of full value, which occasioned to the country a loss of two millions and a half, was issued, and it instantly disappeared. With respect to the execution of the Bank tokens lately issued, it could not have been better, but by a delay that must have been injurious. The Committee of the privy council on coins had called 30 or 40 merchants and bankers together, and had asked them whether it would be advisable to prevail on the Bank to issue these tokens? They answered unanimously in the affirmative. Application was in consequence made to the Bank, and they instantly complied.

Mr. *P. Moore* said, that the state of the country did not call for this measure, there was no parliamentary grounds shewn for it, and no necessity attempted to be asserted in the Bill. There was specie enough in the country, as might be shewn from the reports of the Bank directors themselves, if measures of confidence were adopted to call it into circulation. The Bill went to shake the best securities, and to alter all the valuable standards of the kingdom. The present was a measure brought forward, he conceived, not so much because the corporation of the Bank were bankers, but because they were the agents of the government. If they went on to improve the advantages of their situation, in which this Bill would place the as they had done since the year 179 they must in the course of time possess a the property in the kingdom without paying for it. The hon. gentleman said I shortly gave these sentiments against th impending mischief, lest he should n have another opportunity.

Mr. *Vansittart*, adverting to the difficulty of getting silver for notes, as described by an hon. and learned gentleman, said that he had seen even a ha guinea given for 20 shillings.

Lord *Folkestone* suggested the expediency of dividing the Bill into two Bills.

The *Speaker* observed, that the prop time for such a proposition would be aft the disposal of the present question.

The House then divided, when the numbers were,

For going into a Committee ... 75
Against it 11
Majority .... —6

The several Clauses of the Bill wer then read in the Committee, and son discussion took place on the particula clauses, and the general principles of th Bill, in which the Chancellor of the Exchequer, Mr. H. Thornton, Mr. W. Smit and Mr. Tierney, took a part.

Mr. *H. Thornton* stated, that the obje of the Bill would not be effectual, as pape might first be sold for commodities, an gold bought with these commodities, i such a way as to have no difference i effect from the practice struck at in th Bill.

Mr. *W. Smith* reprobated the idea c making Bank notes a legal tender, a thin the legislature, though they might hav the power, had not the right to do. H referred to a work of Thomas Paine, man whose assertions in general ought t be taken, not with grains, but with ounce of allowance, but who had, in a certai pamphlet, uttered many things extremel worthy of notice relative to the nation debt of the country. He approved of th remedy of double prices proposed by a hon. and learned gentleman (Mr. Brougham), and referred to the cases of Americ and France.

Mr. *Tierney* thought, if the object of th Bill was not to send all the remaining gol of the country as fast as possible to Irelan he could see no reason for not extendin the Bill to that country.

The *Chancellor of the Exchequer* thoug it would be improper, at the end of a se to introduce an alteration with regard ractices in Ireland, which had subsist- revious to 1797, though some incon- ence might be felt.

fter the different Clauses had been e through, the Report was ordered to rought up to-morrow.

HOUSE OF COMMONS.

Thursday, July 18.

ONDUCT OF THE VICE ADMIRALTY URT AT MALTA—ARREST OF LORD CHRANE.] Lord *Cochrane* rose and said: ir; The delay that has taken place ce my return to England, and the legal orities I have consulted, will, I trust, dence that I trespass on your attention h reluctance, relative to the conduct of judge and members of the court of e admiralty at Malta; partly from a ire to avoid the possibility of private tives being imputed to me, but chiefly m a conviction that parliament should interfere in matters cognizable in the rts of justice.

How far, under the last impression, I warranted in calling upon this House exercise an authority in the present tance, will appear by the opinions of A. Piggott, Mr. Holroyd, Mr. Leach, d of another learned gentleman who is now in his place. "Process of the urts," says sir A. Piggott, "does not tend to Malta, there is no mode whilst ey are abroad to compel appearance to ions here." The answers of the other rned gentlemen being the same in sub- nce, I need not detain you by reading em.

Three years have passed since I memo- lled the admiralty on this subject; it nnot therefore be said that I have acted th precipitation. Indeed, I have had ne enough to reflect, and I do assure u, that I am fully aware of the responsi- lity which I shall incur if I fail in esta- lishing whatever accusations I bring ainst a judge presiding in one of his ajesty's courts, and against those acting der his authority; but furnished as I n with original documents, having the gnatures of the judge and members of e court, I am not inclined to shrink om the task of proving their violation of e acts on your table, especially of the 7, 38, 39, and 41st sections of the 45th of s present Majesty, chap. 72d. The first which empowers the King in Council one, to make or alter a table of fees to regulate the charges in courts of vice admiralty, and yet, the members of the court of Malta fabricated one for themselves, which the judge subsequently altered by affixing a note in his own hand, abolishing the table *in toto,* except by reference to certain unascertained charges made in a distant court, which were not set forth. This note is as follows: "At a meeting of all the members of the court shortly after its arrival, for the purpose of settling what should be considered as reasonable fees, it was agreed, that in no instance they should exceed the proportion of one third more than those paid for similar services in the high court of admiralty in England," signed "J. Sewell:" who thus assumed the authority of the king in council, in open violation of the 37th, and in contempt and defiance of the penalties enacted by the 38th and 39th sections, which declare that, "receiving or taking any fee or fees beyond those specified in the table aforesaid," that is, the table authorised by the King in Council, shall be punished by the loss of office; and further, "demanding or receiving any sum or sums of money other than the fees aforesaid, shall be deemed and taken to be extortion and a misdemeanour at law, and shall be punished under and by virtue of this act." Words cannot convey a more distinct prohibition, and yet, I hold in my hand demonstration of an opposite line of conduct being pursued by the court. This is not all, the law directs that the "Table of fees, authorised as aforesaid, shall be suspended in some conspicuous part of the court in which the several judges of the vice Admiralty court shall hold their courts." At Malta, however, it was concealed, first, during five years in a drawer, and when taken therefrom in consequence of loud complaints on the subject of their charges, it was affixed, not "in some conspicuous part of the Court," not in the Court at all, but on the door of a private room behind the Registry, where suitors could have no access to it.

Sir, the fabricating, altering, and concealing the table of fees is, perhaps, the least profligate part of their conduct. What will the House think when they find that John Jackson the Marshal, who, to the knowledge of the judge, acts also as Proctor in defiance of the law, is in the constant habit of charging his clients of the navy, for attending, feeing, consulting, instructing and admonishing himself, and this in the very teeth of the 41st Section, which enacts, that "No Registrar or Deputy Registrar, Marshal or Deputy Marshal, of or belonging to any of his Majesty's courts of Vice Admiralty, shall, either directly or indirectly, by himself or themselves, or by any Agent or Agents, or any person or persons whomsoever, act or be concerned in any manner whatsoever, either as an advocate or Proctor." Mr. Jackson's charges are so ingenious that I must beg leave to read a few of them. "Attending in the Registry and bespeaking a Monition, two crowns; paid for the said Monition, under seal and extracting, nine crowns; copy of the said Monition for service, two crowns; attending the Marshal (himself observe) and instructing him to serve the same, two crowns; paid the Marshal for service of said Monition, two crowns; certificate of service, one crown; drawing and engrossing an affidavit of service two crowns; oath thereto and attendance, two crowns two reals and three scudi." How exact!—ten shillings and two-pence three farthings for an oath that he had attended on himself with a Monition! One of these bills was taxed by the Deputy Registrar, who admitted these iniquitous charges. Yes, Sir, they were allowed and admitted by Stevens the Deputy Registrar, who treats his friends with Burgundy and Champaigne out of the proceeds of captures made by the navy, from which fund, John Locker the sinecure Registrar, like the sinecure Registrar at home, also derives his unmerited emoluments. I ask, is it fit that the reward granted by his Majesty and the legislature to the navy, for the toil and risk which they undergo in making captures from the enemy, should be thus appropriated?

That I had a right to demand the taxation of such a bill as that which I have shewn, there can be no doubt, even if I could not produce the opinion of his Majesty's Attorney-general to that effect. Yes, the opinion of sir V. Gibbs, and of the Solicitor-general, signed also Charles Robinson, William Battine, T. Jarvis, to all of whom, the memorial which I presented to the Admiralty was referred in April 1809. "The expences," say these learned gentlemen, "in this case do not appear to have been brought to the knowledge of the court so as to have given the judge an opportunity of exercising his judgment upon them; that would be the proper mode of redress for grievances of this description."

Thus instructed, I addressed the judg
on my return to Malta, in February las
soliciting that he would be pleased
direct my bill to be taxed, to which
returned the following answer, addresse
on his Majesty's service, "My lord,
reply to your letter of yesterday's date,
beg leave to refer you to your proctor f
the information you are desirous of, it n
being the practice of the vice admiralt
court here, any more than the court
King's-bench in England, to enter in
private correspondence with suitors
the subject of their suits or of any matte
connected with them. Signed, J. Sewell.

It appeared extraordinary that I shou
be referred to the person complained
as judge in his own cause. Still, howeve
in compliance with Dr. Sewell's advice,
directed my agent to make the applic
tion, and the following, as might hav
been anticipated, was the ingenuous ge
tleman's reply. "Sir, My bill in th
case having been delivered to you so lo
ago as the 8th of August 1808, and havi
been paid by you soon after, I was a goo
deal surprized at your note, received ye
terday, informing me that Lord Cochra
wishes to have the said bill taxed, an
therefore I beg that you will apprize h
lordship that it is a thing quite unpre
cedented to tax a bill which is paid.
should have supposed that the advice
gave his lordship, not to proceed in th
cause, would have exempted me from th
suspicion of having made unwarrantab
charges." Signed, "John Jackson."—A
the unwarrantableness of the charges d
not rest on suspicion, I wrote to M
Jackson myself, who answered, "I hu
bly conceive that your lordship is n
now entitled to demand a copy of yo
account, and therefore I beg that you w
excuse me from complying with su
demand." I next required him to subm
my account for taxation, this he also d
clined, as follows, "My lord, in reply
your letter of this day, I have to infor
you that I cannot consent to open an a
count that was closed two years ago, a
that is my only objection to my bill,
the cause of the King George, being taxe
which I hope your lordship on reflecti
will see to be a reasonable objection."
I confess that I did not consider the lap
of two years to be any objection at a
particularly as I was absent from Mal
when the bill was paid, and no earlier o
portunity had offered to call for a revisi
of the charges: for this reason, and for

with the opinion of the learned gentle- opposite (sir V. Gibbs) about a month wards, I again addressed Dr. Sewell he subject, who, so far from "exer- g his judgment," on the marshal's uitous bill of costs, did not condescend ake the slightest notice of my commu- tion, though furnishing him with acts from Mr. Jackson's written sals.—Neither did the Judge reply note delivered to him on the follow- day.

eing thus excluded from the "proper le of redress for grievances of this de- ption;" I proceeded to the court room he vice admiralty for the purpose comparing the charges contained in nerous bills in my possession, with the blished fees, which I was instructed the acts of parliament, "should be pended in some conspicuous part of the rt," every part of which I searched in n; neither was the table in the registry, ere his Majesty's advocate directed me ook for it, who, on my returning into rt again, to make further enquiry, said, t I would find it affixed on a door lead- to the adjoining room.

hat mutilated paper, concealed con- ry to law, I was accused of having taken vn and carried away, from a place ere it could not have been affixed, ex- t in defiance of these statutes, and in tempt of justice. That, Sir, was the per for which I was followed through streets of Malta for the space of a week the deputy auctioneer, stiled in the ges' warrant and attachments by the e of "deputy marshal," but who, in t, never had an authority from the mar- al; perhaps, because the marshal was nscious of having vitiated his powers by e illegal acts of which he was guilty, d thus thought to escape the conse- ences which might arise from the acts his nominal deputy. So loosely are ngs conducted in that court! Surely no asonable man can blame me for refusing be taken to jail by the deputy auc- neer. Indeed, Chapman admits, in his idavit of the 24th of February, that my jection was to his want of authority; r, I naturally concluded that unless he as an officer of the court his acts might disowned, and thereby the guilty would cape punishment.

That this was the view which I took of e case, will appear, by my offering no sistance to James Houghton Stevens, ho was appointed, on Chapman's nominal resignation; I say, Sir, that I offered no resistance, for, by refusing to walk to jail, I did no more than decline, by an act of my own, to contribute to illegal proceedings.

It is not my intention to trouble the House at length relative to this affair, which is of trifling importance, compared to the mischiefs that arise from the system of plunder and abuse practised in the courts of vice admiralty. However, it may not be improper to mention, that I was conducted by the keeper of the jail to a place with a broken window, barred with iron, furnished with an old chair, and a close stool in the corner. From this, however, I was removed, as the judge began to fear the consequences of his illegal acts; and on the third day, being brought from the keeper's room to the court of vice admiralty, there, without an accuser, except the judges, that learned and worshipful gentleman attempted in the absence of proof to administer a long string of interrogatories, which I of course refused to answer, and thereby furnish what might be construed by him into evidence of my having taken away his illegal table. Being farther pressed and threatened, I delivered a Protest in writing "against the illegal warrant issued by William Stevens, an examiner and interpreter to the vice admiralty court of Malta, registered merchant, commission broker, and notary public, calling himself deputy registrar of the court, and professing to act under an appointment for John Locker, sinecure registrar, and further against the illegal endeavours to execute the warrant by John Chapman, deputy auctioneer, acting for and on behalf of —— Wood, late private secretary to lord Castlereagh, a non resident, enjoying an income of about seven thousand pounds sterling per annum, derived from the sale of prizes, and the goods of merchants trading to Malta, but calling himself deputy marshal of the vice admiralty court, and professing to act under an appointment from John Jackson, proctor and marshal, contrary to law; and farther against all acts of the said John Jackson, in the capacity of marshal, by himself or his deputy, and against John Locker, sinecure registrar, and William Stevens, calling himself deputy registrar; John Locker having, under the signature of William Stevens, taxed bills of fees and expences of the court of vice admiralty, wherein the fees of the said John Locker and William Stevens in their capacity of registrar, deputy registrar, examiner, interpreter, &c. &c. &c. are made and examined by themselves, and in which various illegal charges were allowed and suffered to be made by John Jackson, as proctor, for attending, feeing, consulting, and instructing himself as marshal; in which double capacity he acts, in defiance of the 41st and of the 45th Geo. 3rd, chapter 72." And further, I solemnly protested against John Sewell, styling himself judge of the aforesaid court, for refusing by letter dated the 13th of January, 1811, to order satisfaction to be given by the said John Jackson, referring to him a judge in his own cause; and likewise for not having given any answers to official letters delivered to him, bearing date the 19th and 20th of February, 1811, on the same subject. And further I protested against the said John Sewell, for not complying with the Act of Parliament, which directs, "That a table of fees shall be suspended in some conspicuous part of the court, in which the several judges of the court of vice admiralty hold their sittings."

Sir, the judge at first refused to receive any protest, but afterwards did so; and afterwards I was re-committed to prison, not for contempt of court, but for the old accusation of not having complied with certain warrants addressed to a person styled deputy marshal, who never had an authority to act as such. That no proof existed of my having taken the table of fees, will appear by the following affidavit of commodore Rowley, commissioner Fraser, and captain Murray Maxwell of the navy:

"Be it known to all persons to whomsoever it may concern, that on the 2nd day of March, in the year of our Lord 1811, personally came and appeared before me the undersigned notary public Percy Fraser, commissioner of his Majesty's navy, resident in the island of Malta, Charles Rowley, esq. captain of his Majesty's ship Eagle, and Murray Maxwell, esq. captain of his Majesty's ship Alceste, and solemnly made oath that on the aforesaid 2nd day of March, whilst the court of vice admiralty of the said island of Malta was sitting, they severally and distinctly heard John Sewell, L. L. D. the judge thereof, and whilst sitting in his judicial chair, admit in open court, and in the presence of divers persons there assembled, to the right honourable lord Cochrane, that there existed no proof in the aforesaid court of his said lordship's having taken down the paper in question, by the judge aforesaid called
table of fees. (Signed)

"Percy Fraser,
"C. Rowley,
"Murray Maxwel

"On the 2nd day of August, 1811,
aforegoing attestation was duly sworn
Malta, where stamps are not used:—
fore me, "Cha. Edw. Fenton,
"Notary Public."

Notwithstanding the confession of
judge in open court thus attested, I
mained unnoticed three days longer
the public jail, where, I now clearly
that it was the intention of the judge
detain me until the packet had sailed
England, and probably until she return
to Malta with instructions. I therefo
wrote to the governor, who, having co
sulted Messieurs Moncreiff, Forrest a
Bowdler, three gentlemen of the la
sent me their opinion, that his excellen
should not interfere with a court, actin
as they were pleased to call it, under
Majesty's authority, although in violati
of the law. I addressed the presid
also, who said, that the courts of Ma
could not interpose. Indeed, had it be
otherwise, little good could have be
expected from an appeal to these cou
which are still governed by the iniquito
and oppressive Code of Rhoan, to the d
grace of all the ministers who have rul
since the surrender of the Island to En
land. Sir, The Maltese stipulated th
that a constitution securing property a
rights should be granted, and trial by ju
but these have been denied, and exami
tions are still taken, and sentence pr
nounced with shut doors, by their judg
whose appointments are during pleasu
I do not impute blame to his excellen
the governor, for whom I have a high
spect, yet I must say that the system
blending the military and civil author
cannot fail to become oppressive. M
nisters have no better excuse for this uni
of power contrary to the express stipu
tion of the inhabitants, of the island tha
despicable petition signed by the
pendents on government, and shameless
transmitted, and received as the voice
the people! Being furnished with an
fidavit, that the judge did not intend
proceed in the matter on the ne
court day, I resolved, as the door w
locked and guarded, to get out by the w
dow, which I accordingly effected; a
the following proclamation was issued

apprehension, in which I am designat- y as many names as if I had been a rious thief.

" Escape of Lord Cochrane.

Whereas the Honourable Thomas chrane Esquire, otherwise the Hon- rable Sir Thomas Cochrane, Knight, ompanion of the most Honourable rder of the Bath, commonly called ord Cochrane, escaped out of the cus- dy of James Houghton Stevens, the eputy Marshal of the Vice Admiralty ourt of this Island, from the Prison of e Castellanea during the course of last ght, This is to give notice, that who- er, will apprehend or cause to be ap- ehended the said Lord Cochrane, and eliver him into the custody of the said eputy Marshal, shall receive a reward Two Thousand Scudis currency of alta, and that whoever will give such formation as may lead to the appre- ension, of any person, or persons, who as or were aiding and assisting, the aid Lord Cochrane, in such his escape, hall receive upon such conviction, if nly one person was so aiding and as- sting, the sum of One thousand Scudis, r if more persons than one were so aid- ng and assisting then upon the convic- on of each of such persons the sum f Five hundred Scudis, notwithstand- ng that in such latter case the person giving information shall himself have een aiding and assisting to the said scape.—Witness my hand, this sixth ay of March, 1811.—Jas. H. Stevens, Deputy Marshal. — No. 188 Strada tretta."

Now, Sir, although the treatment which eceived is altogether foreign to the in point, yet I am desirous to learn from u as Speaker of this House, whether my prisonment was or was not a breach of privilege of parliament ?

The *Speaker*.—I do not know whether e House expects me to reply to the ques- ns which the noble lord has put to me, rfectly new as one appears to be; t, as far as my information goes, I will ve it, if the House thinks fit that I should so. (Hear, hear!) With respect to the pri- eges of the House, I know of no means enforcing its privileges, but in the usual ay, from time immemorial, by its own icers; and I never knew one instance any officer having been sent across e seas at the instance of any member, a complaint of insult offered to him personally (Hear! hear!) So much for the question of privilege. In the next place I never knew an instance in which any member of parliament, properly before a court of justice, was at liberty to treat with impunity the proceedings of that court, or to say that what was done in respect to himself was done in contempt, or that could authorise him to say that the privileges of parliament were infringed in his person for such conduct.

Lord *Cochrane*.—Sir; It was at first my intention, to have moved an address to the Prince Regent, to recall the Judge Registrar and Marshal, to answer for their conduct and proceedings, contrary to the express words of acts of parliament; but on consideration, and in compliance with the suggestion of the first lord of the Admiralty, I have thought it better to move, " That a Committee be appointed to examine into the conduct of the Judge Registrar and Marshal, and their Deputies, of the court of Vice Admiralty at Malta, for the violation of the 37th, 38th, 39th, and 41st sections of the 45th Geo. 3, c. 72."

Mr. *P. Moore* seconded the motion, not from any knowledge of its merits, but thinking, that if the matter of charge was not inquired into, it would reflect upon the House.

Mr. *Stephen* could not avoid applauding the benevolent motive of the hon. gentleman, who had seconded the poor outcast of the noble lord. With respect to the conduct of the learned judge alluded to, he was satisfied it was the opinion of the House that he had done nothing amiss—that the dignity of his office required that he should exert his authority after the direct insult that the noble lord had offered to the court. The charge against the noble lord was for taking down the public document of the court, a charge which he had not denied, nay indeed, the noble lord had exhibited what he termed a fac simile of the table of fees, and so closely imitated, that the very impression of the wafers —the document itself, and its smoke-dried appearance, seemed to proclaim its originality. The conduct of the noble lord, when required to answer for this contempt, was not merely that he refused to obey the monition, but that he pulled out a pistol, and threatened to shoot any man, who attempted to execute it upon him. Chapman, the officer, therefore (and the fact was confirmed by two witnesses), thought it not prudent to execute a warrant at the point of a pistol, and had not the courage to act. The noble lord had stated that he refused to answer interrogatories, and that he made a protest against the proceedings of the court. It was not regular for the court to receive protests arraigning its proceedings, and upon the inquiry it did not think there was sufficient grounds for discharging the noble lord from his arrest. If, however, he was aggrieved, there was a channel through which he might have had redress, without coming to the House, by appearing before the privy council, and stating his charges against Dr. Sewell, who would, if proved, be removed. But should there not have existed, in the executive government, a disposition to redress the noble lord's grievances, then it would have been open for him to appeal to the House: but to come at the end of the session was not very regular. Dr. Sewell was a person of correct conduct, and unlikely to act with injustice to any individual.

Lord *Cochrane* replied, and repeated his former statements.

Mr. *Yorke* agreed with his hon. and learned friend in objecting to the motion on three grounds; first, because the case was one of the most frivolous ones he had ever met with: secondly, because the noble lord, if he had just cause for complaint, should have made it at the Admiralty, and that board would have investigated the complaint; and thirdly, because the complaint, instead of being made by the noble lord, was, by his own shewing, a complaint against himself. He had this to state to the noble lord, that if he had not been an officer on half-pay, he would have heard from the board of Admiralty in a different way. With respect to the Marshal exercising the office of Proctor in conjunction, he would recommend an inquiry to be made, as it was contrary to the express provisions of an act of parliament. But with respect to the noble lord's case it was, he must repeat it, one of the most frivolous cases ever brought before parliament.

The motion was negatived without a division.

Court Martial on Lieutenant Richards—Gagging.] Mr. *Brougham* rose, and observed, that some time ago he gave notice of a motion for the production of the minutes of evidence taken in the harbour of Barbadoes, before a court martial upon lieutenant Richards, of the Dart sloop of war. It was with very considerable pain that he now felt himself compelled to move, but his duty as a memb of parliament would not allow him to pa over circumstances which he was in po session of, relating to the transaction f which lieutenant Richards was tried. doing so, he brought it forward as a ca for further information. The facts we these, as had been stated to him from pe sons of respectability, on whose credit could rely. Two years since the D sloop lay in the harbour of Carlisle, Barbadoes, as a guardship, about fifty one hundred yards from the shore. The was a seaman on board, who was und confinement, certainly for very bad b haviour, and during that confinemen while the captain was on shore, made great noise, which disturbed lieutena Richards, who with some other perso went to the man and inflicted a furth punishment, a punishment, which he wi great pain and regret believed existed a certain extent in the navy, namely, th of gagging, which was done by means forcing a piece of wood into the mouth the offender. In this instance, a lar piece of iron was the gag made use which was fastened with a bandage ov his mouth, and tied behind with a kn This being done, lieutenant Richards we a-shore, leaving the man quiet; and his return he was indeed perfectly quiet for he was dead! apparently as if suff cated by the gag; but this he did n mean to assert positively, though his i formation went to that effect. Lastly, the morning the unfortunate deceased w carried out of the ship; no coroner's i quest was taken on his body, and he w buried. Lieutenant Richards was th apprehended, but suffered to go at larg and it was a justice due to him to sa that he did not attempt to escape. H was afterwards tried by a court marti whether for murder or for breach of di cipline he did not know, but he was a quitted and dismissed the service. T hon. and learned gentleman then went to state, that this was not the only case oppression and cruelty in the navy: had several from the most respectab sources, which he could not bring forwa from the lateness of the session, but whi he would state, abstaining from mentio ing the names of the accused persons. captain in the navy, about two years sinc acted with great severity to his crew, much so, that to a man they express their discontent. One man was flogg once or twice, and this man said that if flogged again, he would not endure or he would leap overboard. This g told the captain, he replied, "I will he gentleman." The next time he sentenced to be flogged the man ally leaped into the sea. At this time vessel was under an easy press of sail; murs were heard among the crew, of eave to! heave to! lower the boat! er the boat!" But the captain said, o! if the gentleman prefers that ship ny ship, he is welcome to sail in it." attempt was made to save the man, he was drowned! In the same ship, h the same captain, two other men e sentenced to be flogged, and they ped overboard to avoid it; one or both e with difficulty saved. There were er circumstances connected with the duct of this captain, which would, if evidence was correct, establish the rges against him. It was a remark- e circumstance that two apparently pectable persons, at the distance of 250 es from each other, spoke to the pre- e words of the captain when the man d leaped into the sea, and one offered to ke affidavit of the fact. There was other case in which a seaman, named salom Foot, chose to keep for his usement an account of the stoppages grog, and the captain for this conduct dered the fingers of the right hand to be t bound with cord, which was sealed th wax, and impressed with the cap- n's seal. When this case was men- ned to the hon. and learned gentleman, thought it too absurd to be true; but e testimony of five or six persons of ry good character put the matter be- ond doubt, especially when they de- red to make affidavits to the truth of the atement. The man received five dozen lashes and was turned over to another ip. The hon. and learned gentleman oncluded with expressing his thanks to e illustrious Commander in Chief, for e very wise, salutary, judicious and enerous order issued for suppressing mi- tary flogging; and moved, "That there e laid before this House, copy of the Mi- utes of the court martial held at Carlisle ay, Barbadoes, on Lieutenant Richards, f his Majesty's guardship Dart."

Mr. *Yorke* wished the hon. and learned ent. had confined himself to the subject f the motion which he concluded with, nd had not introduced irrelevant matter. e felt concerned that he should have ought it necessary to introduce the anonymous cases which he had brought forward, and which could not tend to any good whatever. It could only, by being left over to the next session, produce mischief and inconvenience. The hon. and learned gent. must have known that it was his duty, if he did not chuse to bring the subject forward, to have stated the cases of complaint to the board of admiralty, who would have instituted the necessary inquiries into the truth immediately. If the facts had been true, the officers charged would have been put on their trials. He must therefore complain of the hon. and learned gent. for throwing these cases before the public, without the opportunity being afforded of ascertaining the truth or falsehood of them. If true, the officers were responsible in the highest degree for their injustice and cruelty, and would be brought, according to law, to condign punishment. With respect to the case of lieutenant Richards, the right hon. gent. had no objection to the production of the sentence of the Court; but the minutes of the evidence would produce no good. The sentence would contain the substance of the charge, and the judgment of the court. The case must be strongly made out to warrant the production of the minutes, which would be trying the prisoner over again. The facts which the hon. and learned gent. had stated, were in many instances well founded, but he would more particularly state them. As to the charge of gagging, that he must positively deny to be in practice in the navy, either now or at any previous time. Lieutenant Richards was tried for his life; and it was the opinion of the court who tried him, that the man did not die from the gagging, but that the lieutenant's conduct was so far bad, that he was incapable of serving his Majesty, and he was accordingly dismissed the service. The man who was punished was a very bad character, riotous and dishonest, and when the ship was lying in the Bay of Carlisle, got drunk, and was disorderly. The captain directed he should be put in irons, and went on shore, leaving the ship under the command of lieutenant Richards. Soon after the man became riotous, and began to blaspheme his God and his King, and the service generally. The ship was a small one, and it was obvious, that when a man so conducted himself, it was necessary to pursue rigorous measures to enforce order and obedience, for it was impossible, as in society on shore, to put a man of that description away. The lieutenant accordingly ordered that he should be gagged, which was done, but he still persisted in his blasphemous conduct, and the first gag was taken out and another put in of a larger description, in doing which the officer certainly acted very improperly. Having put in this gag, the officer went a-shore, leaving the man with his hands tied behind him. There was another man near him in confinement, but no sentry over them; the man was extremely intoxicated, and in the course of the afternoon he died. This was not a case in which the coroner could interfere, for the order was to take the man to the hospital. It was impossible, however, for the boat's crew to row on shore, the wind setting in from the shore, and the body was so offensive. Under these circumstances, the body, which had been previously sewn up in a sack, was taken to the harbour and thrown into the sea. Lieutenant Richards was tried under these circumstances, and the court negatived the charge of supposed murder, by acquitting the prisoner of the death of the man. The House, therefore, he trusted would not be inclined to try him again, particularly, as in so doing they would be arraigning the proceedings of the court. The right hon. gent. had, as he before observed, no objection to procure the sentence on which the hon. and learned gent. might take such measures as he thought proper.

Sir *R. Bickerton* said he had been 37 years in the naval service of the country, 22 years of which he had been in actual service, and he had never on any one occasion seen gagging resorted to.

Lord *Walpole* stated that the vessel was a mile and a half from the shore at the time the circumstance occurred. A coroner's jury, therefore, could have nothing to do in the matter. The sentence of the court martial proceeded on the narrative of having maturely weighed the whole circumstances of the case, and on that narrative found that there was no malice nor any intention on the part of lieutenant Richards to cause the death of the seaman, and therefore acquitted him of the charge of murder. After that, was the House to be told that no trial for murder had taken place?

Mr. *Creevey* stated several instances in which the admiralty had paid great attention to complaints brought before them.

Lord *Cochrane* was of opinion, that although the discipline of some ships might be severe, yet that, generally speakin more humanity could not be shewn tha was exhibited in the navy. The nav service would be much better if the p sons of the country were not so frequent emptied into men of war. As to the p nishment of gagging, it might sometim be rendered a cruel practice; but wh there was a notorious drunken scoundr aboard, who not only drunk his own gro but sold his clothes to buy the grog other men, it would be very hard if th whole ship's company, doing their du watch and watch, should be kept awake b such a brawler, from the absence of pow on the part of the officers, to prevent hi from making any disturbance. He ha known some ships well governed witho any punishment but that of shame. one in particular, the delinquent was ma ridiculous by being compelled to we military jack boots, and long spurs. the whole, however, he was convinced th when men of war were on foreign servic it was impossible to manage the me without some other punishment than me shame.

Sir *F. Burdett* said no reason whatev had been urged for the concealment the minutes of the court martial, for whic his hon. and learned friend had move He thought his hon. and learned frien quite justified in declining to mentic names, recollecting that those who com plained of any abuse in any department were certain to fall under the displeasu of ministers. The conduct of the offic in this case appeared to him to be entirel undefended, and at common law amounte to murder. The hon. bart. then cited opinion, as he stated, from Blackstone, tha a man shooting at game without a licenc and killing a man through accident, wa liable to be tried for murder. It was als laid down in all our law books, that th smallest participation in any felonious a rendered the accused amenable to all th consequences attending the act itself.

The *Attorney General* lamented that h hon. and learned friend had not thought pro per in the first instance to submit the case which he had adduced to the considera tion of the Admiralty, and in the event their having been neglected, then to hav brought them before Parliament. In th present instance, it appeared that the o ficer had been tried by a competent tr bunal, and although acquitted of murde convicted of cruelty, and that the severes sentence which the court could inflict f

ffence, had been passed upon him.
on the supposition that the court
al had been in error, yet this man,
ng been acquitted of a capital charge,
t not to be capitally questioned again.
s opinion, no grounds had been laid
e production of the minutes of evi-
e.

eneral *Tarleton* regretted that his hon.
learned friend, for whose talents he
rtained the highest respect, had
ght forward the present subject.
principal part of his hon. and learned
d's statements had been most fully
vered. Adverting to the question of
ary punishments, while he acknow-
ed that those were the best regiments
hich flogging was not resorted to, he
obliged conscientiously to say, what-
odium might follow the declaration,
in his opinion, it would be impossible
lly to abolish the practice of flogging
e army.

r. *P. Moore* supported the motion,
trusted that the discussion would have
ood an effect on the regulations re-
ting the discipline of the navy, as the
ussion brought forward by an hon.
. near him had had on the regulations
ecting the discipline of the army.

r. *Croker* was surprized that the hon.
learned gent. should suppose that any
sons who gave information of abuses
he board of Admiralty, would expose
nselves to its displeasure. He could
re the hon. and learned gent. that the
rd of Admiralty was fully disposed to
en to all complaints brought before it,
had within his knowledge thanked se-
al individuals by whom those com-
nts had been preferred. As to the
nymous cases which had been men-
ed, if the hon. and learned gent. chose
eep the names of his informant and
the persons accused secret, yet if he
ild only state the name of the ship
m which the man jumped overboard,
Admiralty would institute a minute
uiry into the circumstances of the
e. For a long series of years no accu-
ion, not even an anonymous one, had
en passed over by the Admiralty with-
investigation. As to the old practice
sending convicts on board men of war,
Admiralty had for several years op-
sed it with the utmost determination.

Mr. *Brougham*, in reply, declared that
had not heard a single argument
ainst the production of the Minutes of
idence. There were two parties whom their production might affect—not the officer, for he agreed entirely with his right hon. and learned friend, that it would be impossible again to try him—but the court martial and the Admiralty, by whom the trial by court martial was ordered.

Lord *Walpole* in explanation of his former statement observed, that the trial had been ordered by the admiral on the station, not by the Admiralty.

Mr. *Brougham* resumed, and contended, that the individual in question ought to have been tried, not by a court martial, but by the Admiralty's jurisdiction. If there was one species of jurisdiction, to the proceedings of which greater publicity ought to be given than to any other, it was that of courts-martial. As to mentioning the names of those from whom he received his information, he should be very cautious on that head. He did not mean to say that the board of Admiralty would distinctly visit their resentment on such individuals. They would not for instance put them at the bottom of the list. They would not set a black mark against them in the Admiralty books, but they would set a black mark against them in their own minds. They would be biassed to their future prejudice. This he said without reference to any particular set of men, for he should have the same apprehension were his own political friends in office. He cordially closed, however, with the proposition of the right hon. secretary of the Admiralty, to state to him the name of the ship in which the transaction that he had described happened. He would obtain as soon as possible the name of the man, and some approximation at least to the date of the occurrence, for the purpose of communicating the whole to the right hon. gentleman.

The *Chancellor of the Exchequer* observed, that the hon. and learned gent. must entertain a strange notion of the effects of office, if he conceived that against the name of a person who gave information of a foul murder, gentlemen in office would set a black mark in their minds, and that they would be indisposed from that period to do any thing kind or fair by such an individual. So strongly was the hon. and learned gent. impressed with this notion, that he thought even his own friends, were they in power, would be influenced by considerations of that nature. The observation would be unfortunate for the hon. and learned gent., if at any future time he should himself get into office, as-it might be supposed to proceed from a conviction of what would be his own feelings under similar circumstances. It appeared to him (the Chancellor of the Exchequer) that no grounds whatever had been laid for the production of the minutes of evidence. The hon. gent. complained of the officer alluded to having been tried by a court martial instead of an Admiralty court. Now, the act of Parliament expressly declared, that any one accused of having committed a murder in the fleet should be tried by a court martial. The hon. and learned gentleman's observations therefore ought to be directed against the law, and not against this case, which was in conformity to the law. He lamented that the hon. and learned gent. should have stated so many anonymous instances of misconduct. However delicate the subject, yet by not mentioning the names of the officers accused, the charge was, in fact, brought against the whole service. It would be generally circulated, that but for the apprehension of a black mark in the minds of the Admiralty, many persons would come forward to sustain these complaints. Although he was sure that the hon. and learned gent. did not mean it, yet all this would do infinite mischief. Let the hon. and learned gent. place himself in the situation of the gallant and honourable officers on the western station, and then say how he should feel under that general imputation which the publication of charges not specifically made against any particular individual by name, must necessarily occasion. He moved as an Amendment to leave out the word "Minutes," for the purpose of inserting the words "Charge and Sentence."

Mr. *Brougham* explained, and stated the extreme reluctance with which he had listened to the information that had been given to him, until he became satisfied of its authenticity.

Sir *F. Burdett*, in support of the opinion of his hon. and learned friend, that persons preferring complaints were liable to the resentment of the higher powers, called to the recollection of the House the case of admiral Montague, who, soon after he had made a complaint to the Admiralty, was put on half-pay.

Mr. *R. Ward* denied that the one was in consequence of the other; and observed that this was another of those unfounded assertions which the hon. baronet was in the habit of making in greater number, though certainly without being awa of their falsehood, than any man he h ever heard.

Sir *F. Burdett* disclaimed any asserti on the subject; he had merely said th there was a strange coincidence betwe the complaint and the dismissal.

Lord *Cochrane* observed, that, in ad tion to admiral Montague's being put half-pay, his son had been denied the p vileges of the school at Portsmouth, u the subject was mentioned in the Ho of Commons.

The *Attorney General* declared that t latter circumstance arose out of the m statement of admiral Montague himse As soon as the error was discovered, son's wrong was redressed.

The Amendment was then carried wi out a division, and the original motion, amended, was agreed to.

COPY OF THE SENTENCE PASSED UP LIEUTENANT RICHARDS.] The following a Copy of the Sentence passed upon Li tenant Richards :

> " At a Court Martial, held on board Majesty's Ship Pompée, on Tuesd the 18th, Wednesday the 19th, a continued on board his Majest Ship Captain on Thursday the 2C July, 1809 ;—

" Present, William Charles Fahie, e Captain of his Majesty's ship Pomp and second officer in command of his M jesty's ships and vessels in Carlisle B Barbadoes, president: Captains, Jam Athol Wood, Volant Vashon Balla Christopher John Williams Nesham, a Charles Dilkes: Matthew Anderson, d puty Judge Advocate.

" The Court, pursuant to an order fr the hon. sir Alexander Cochrane, K. rear admiral of the Red, and Comman in Chief of his Majesty's ships and vess at Barbadoes, the Leeward islands, &c. dated the 15th day of July 1809, directed to William Charles Fahie, e captain of his Majesty's ship Pompée, a second officer in the command of his M jesty's ships and vessels in Carlisle b Barbadoes, having been duly sworn, p ceeded to the Trial of lieutenant Willi Richards, belonging to his Majesty's sl Dart, agreeable to an order from the h sir Alexander Cochrane, K. B. rear miral of the Red, and commander chief of his Majesty's ships and vessels Barbadoes, the Leeward islands, &c.

dated the 15th of July 1809; to in-
gate and enquire into the whole of
relative circumstances which occurred
ie day of the death of John Robinson,
nging to his Majesty's ship Pompée,
a supernumerary on board his Ma-
's sloop Dart, and which happened
r about the 27th of November last,
board his Majesty's said sloop Dart,
to try him, the said lieut. William
nards, for his conduct on the occasion:
The Court, having heard the evidence
upport of the prosecution, as well as
t the prisoner, lieutenant William
nards, had to offer in his defence, and
evidence adduced on his behalf; and
maturely and deliberately weighed
considered the same, is of opinion,
there was no malice on the part of
prisoner, lieutenant William Richards,
ards the deceased John Robinson, or
intention to cause his death, and doth
refore acquit him lieutenant William
hards, of the death of the deceased
n Robinson: But the court is of opi-
n, that the conduct of the said lieute-
t William Richards was negligent in
ving the Dart at the time he was com-
nding officer, without a commissioned
cer, and in not having placed proper
sufficient sentinels over the deceased
n Robinson while in irons.

And the Court is further of opinion,
t the conduct of lieutenant William
chards, after his return to the Dart on
night of the 27th of November last,
s oppressive and cruel, in making use
so large a gag, and in suffering the
ceased John Robinson to remain such a
ntinuance of time gagged with his
nds tied behind his back: And doth
refore adjudge him, lieutenant William
chards, to be dismissed from his Ma-
ty's service, and rendered incapable of
er again serving as an officer in the
vy of his Majesty, his heirs and suc-
ssors.

" The Court has observed, with regret
d astonishment, that the body of the
ceased John Robinson was not only
mmitted to the deep, instead of having
en sent on shore for the decision of an
quest and interment, but also that the
dy was sent from the ship without even
prayer book to read the funeral service.

" And the said lieutenant William Rich-
ds is hereby sentenced accordingly.
igned by the Court) William Charles
hie, president, J. A. Wood, V. V. Bal-
d, C. J. W. Nesham, Chas. Dilkes.
Matthew Anderson, deputy Judge Advocate."

HOUSE OF COMMONS.

Friday, July 19.

GOLD COIN AND BANK NOTE BILL.] The order of the day having been read for reading this Bill a third time,

Mr. *Brougham* expressed a wish to be allowed to bring forward, in the first instance, his Resolutions on the subject.

The *Chancellor of the Exchequer* observed, that he understood it had been settled, that the hon. and learned gentleman was to discuss those Resolutions in the debate on the third reading of the bill. After this bill was disposed of, the hon. and learned gentleman, if he thought proper, might take the sense of the House upon his Resolutions, and enter them on the Journals.

Mr. Brougham acquiesced.

The *Chancellor of the Exchequer* then moved, that the Bill be now read a third time, upon which,

Mr. *Johnstone* rose and said: I hope my hon. friends will do me the justice to believe, that I have felt very great pain when compelled to differ from them in every stage of this proceeding; but still entertaining the opinions which I had occasion to deliver when the Bank Restriction bill was passed, and on the discussion of the Bullion Report, it was impossible for me to have acted otherwise without a dereliction of character and consistency. When the Bank-Restriction bill was enacted I was a very young member of the House, and I did not venture to oppose a measure which seemed to meet with general concurrence; but I took the liberty of stating my very great apprehensions, lest it should be followed by all the calamities which in every country have resulted from giving to paper a compulsory circulation; and since the depreciation, which I then foresaw, has become manifest, I consider it an imperative duty to use my endeavours, however feeble, to persuade the House to retrace its steps.

This bill has been supported, first, as conformable to certain dicta of Mr. Pitt; secondly, as a necessary consequence of the restriction itself: and, thirdly, as indispensible to protect the tenant against the oppression of his landlord, and the stockholder against the manifest injustice of receiving his dividend in paper, while the private creditor compels a metallic payment from his debtor.

As to the first point, I must be excused, if, after a lapse of fourteen years, I am disposed to place no great faith in such an authority, when opposed to Mr. Pitt's public measures and parliamentary declarations.

Secondly, if it be considered to have been the purpose of the Restriction Act to force a paper circulation upon the country, whatever might be its depreciation, this bill is the necessary consequence of the measure: but if the intention of that bill was to give a currency to Bank-notes so long, only, as they bore a value equal or nearly equal to specie; and, by giving to every individual a power to demand payment from his debtor in metallic value, to take a security against the depreciation of the Bank-note beyond a certain point; then is this bill by no means a necessary consequence of the Restriction Act.

On the third point I shall have occasion to dwell at greater length hereafter: I shall only here observe that the argument supposes an actual depreciation of the Bank-note; and as it is admitted by all sides to be an act of fraud, to pay a debt contracted in good and lawful money with a depreciated paper currency, so it becomes the duty of every man to resist it by all the legal means in his power.

But there is another consideration, which leads me to approach the decision of this question with considerable apprehension:—I mean our financial situation. Gentlemen who have turned their attention to this subject are well aware that our unfunded debt in navy and exchequer bills amounts to no less a sum than forty-five millions, the largest part of which is returnable into the exchequer, in payment of the existing taxes, four months after it has been issued. If, in consequence of the proceedings now adopted by lord King, there shall be any considerable demand on the private bankers, they must endeavour to realize their funds, which are chiefly placed in these securities; and if from this or from any other cause there shall ensue a considerable fall in the value of public securities, no part of the current revenue will be received at the exchequer, but the whole will be paid in the exchequer bills now outstanding. What may be the consequence of a failure in the ordinary receipt of revenue it is not easy to foresee, and therefore, if the Chancellor of the Exchequer had proposed this measure as of a temporary nature, avowing the disorder prevailing in our currency, professing an intention to take the subject under cons deration in a future session of parliamen and precluding the further progress of d preciation by limiting the issues of th Bank to the amount at which they at pr sent stand, I should not have refused m concurrence, in order to prevent the po sibility of alarm. But his sentiments a of a very opposite nature: he maintai that the present system stands in no nee of amendment; on the contrary, that it connected with the national greatnes and he has distinctly stated, that if th bill shall be found ineffectual to suppo the credit of Bank-notes, it is his inte tion to make them a legal tender. I a compelled therefore to refuse my assent the bill, because no disorder in o finances, no disappointment in our pla of external warfare, is equal in danger the evils of a violation of the sacred la of property, uniformly consequent, in a ages and all countries, on measures like t present.

With a view to understand, how far th Bill is calculated to answer its professe purpose, it is material to consider, how t law actually stands, and what is the pu pose of lord King in the appeal he h made to it. In this House, it is sufficient known, though not fully understood other places, that the effect of the Restri tion act in 1797, and the other measur connected with it, is to make payments Bank-notes obligatory on the public cr ditor alone, by placing him in such a s tuation, that if he refuses Bank-notes whe tendered to him at the Bank, in payme of his dividend, he can get nothing els In the acquittal of all obligations betwe individuals, the wise and salutary maxi of the law are unimpaired, and it is yet t privilege of Englishmen, that in the pay ment of a debt of twenty shillings, the may refuse all the paper of the Bank England. Not only is this the wordi of the statute, but the case has been s lemnly considered and ruled by the u animous opinion of the four judges of t court of Common Pleas in the instance Grigby *v.* Oakes. Under these circum stances, lord King has formally announce to the world that he will no longer recei a currency, manifestly depreciated, in di charge of obligations contracted when t nominal and the real value were the sam and that he will assert his right and se his remedy in a court of justice. Such the portentous evil against which we a required to provide by legislative me

, and now, for the first time, have we
d censure, nay criminality, attached
n appeal to the law, which has hither-
een regarded as our only safeguard
protection.

here are some gentlemen, who, disap-
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to that part of it, by which all process
istress is suspended, on tender being
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point of contention, more than the
er remedies reserved to lord King,—an
on on the case, or by ejectment. In
ry instance of distress, the tenant may
levy, and, on giving security to the she-
the cause cannot be decided, and judg-
nt obtained, in less than two terms: if,
refore, parliament shall refrain from
erference, and lord King remain at li-
ty to exercise all the powers of dis-
ss, the cause cannot be tried in West-
nster-hall until the next term, nor
gment obtained until Hilary term, in
nuary 1812, or if the cause shall be tried
fore the judge of the assize, as is proba-
, a final decision will not be had before
month of May. This will equally be
result of an action on the case, and
erefore no power of deferring a decision is
anted to the tenant by this Bill, which he
not actually enjoy by the law of the land.
ith a view to delay, with a view to the
rposes for which this Bill has been chiefly
proved, it is altogether unnecessary.

But I am reminded by the looks of my
n. friends, that this act has a far more
portant operation, and that, by the
rds in the Bill "or other person liable
such distress," it is intended to exempt
nkers and other persons, who have
ued one and two pound notes, under the
th of the king, c. 32, from the compul-
e obligation to pay in money, contained
that law. I cannot believe this act will
so construed.

By the act of the 15th George 3, the legislature, with a view to prevent a paper currency from intermixing in all the retail transactions of life, had inhibited the circulation of Bank-notes under five pounds. Its wisdom was praised by eminent political writers at the time, and became manifest upon experience. Upon the stoppage of the Bank, it was, however, repealed, and private bankers obtained the advantage of circulating one and two pound notes. But the same law provided against excess and consequent depreciation, by giving to every holder of such notes the power to demand payment in money; and, in case of refusal for a period of seven days, any magistrate is empowered to levy the amount, by distress and sale of the goods of the party. We foresaw the possibility of excess and consequent depreciation, and did take security against it, by putting it in the power of every holder of such notes to compel a payment in money, by this summary process, as often as he felt the mischievous consequences of a redundant circulation. Upon what principle is it that private bankers are, in this insidious manner, now to be relieved from their own obligation? Were they ignorant of the nature of the responsibility they incurred, when they issued their notes? Was the fulfilment of their obligation in any degree dependant on the resumption of cash payments? Was it not incurred when cash payments at the Bank had ceased, and when they knew that cash for the fulfilment of their contracts must be obtained from other quarters? Having accepted this benefit, with the burthen annexed, will the House absolve them from their engagements after a period of fourteen years; after the enjoyment of a privilege so beneficial as to have increased the number of bankers from 275 to 770? Even if a demand for gold compelled them to fulfil their engagements on the terms specified by lord King; if they were subjected to a loss of seventeen per cent. on each guinea; is it unfair or unjust, or is it more than the advantages they have already derived from the beneficial traffic in which they have been engaged?

It is most remarkable, that, throughout the discussion of the Bill in another place, this intention was never avowed, and that the Chancellor of the Exchequer, in the speech by which he first recommended it to the favour of the House, never touched on this point. They who introduced this clause in another place, could not be ignorant of its operation; and if they actually meant to effect so important a change, under cover of protection to the tenant, they were not only guilty of a want of fairness towards that assembly, but acted most insidiously. I cannot suppose them guilty of a conduct so unworthy; nor will it be believed by the judges of the land, when this question shall be argued in Westminster hall, that the guardians of property in another assembly,—that we, whose regard to its sacred principles is such, that we suffer not the minutest right of common, founded on the occupancy of the lowliest cottage, to be affected, but after due notice,—that the parliament of Great Britain, tacitly, and insidiously, repealed the contract by which currency was given to twelve millions, in the notes of private bankers;—a contract solemnly and deliberately prescribed by parliament, as affording the only remedy against a misuse of the privilege it granted.

As to the other clauses of the Bill by which it is attempted to make things unequal in value, reciprocally exchangeable, I will not hesitate to say that it is a violation of natural right. Upon what principle are we now to prohibit the possessors of paper and gold from interchanging their several properties, on any terms which are mutually beneficial? Is it just to pervert the law to such a purpose? or, even if it were just, is our authority competent to accomplish our object? What has been the experience derived from all legal interference with the interchange of property? What is the result of the existing law for prohibiting the exportation of specie, and other laws of the same description? Have they proved effectual in any one instance?

So many cases have been put by different gentlemen in the course of the debate; and the experience of all ages, on this subject, has been so uniform, that even the authors of the law cannot indulge a hope, that it will be effectual. If circumstances render it advantageous or necessary, that parties should exchange their several properties, exchanges must and will take place in spite of all our efforts; and the only consequence will be, to add to the cost of the exchange, resulting from the several values of the commodities exchanged, the additional expense, which is to compensate for the danger of being engaged in a violation of the law. I entreat my hon. friends to consider the case
stated on the last discussion, in respect
silver. To supply the want of silver cu
rency, issues of dollars have been mad
first at 5*s.*, and lately at 5*s.* 6*d.*; they hav
vanished from circulation, in proportion
bank-notes have depreciated. By th
progress of the disease, the silver token
lately coined, will become more valuab
in their metallic state, than in the shap
of coin, and, like the rest, will speedil
disappear. The same scarcity of silve
as has lately existed, will recur; and,
the business of a banker cannot be con
ducted without silver change, he must gi
a premium for it, correspondent to its ad
vance in value compared with notes, an
an increased compensation to those wh
incur the legal dangers of conducting th
barter.

I cannot suppose, that my hon. friend
seriously hope, that this Bill will suppo
the value of the paper currency; but it
expected, that by giving a parliamentar
discountenance to the measure no
adopted by lord King, of demanding pay
ment in specie, the general adoption of th
practice will be prevented.—Vain an
delusive hope! much as I condemn th
abuse which has been heaped upon th
nobleman, I should be disposed to add
it in an aggravated degree, if, after delib
rately engaging in a question of such im
portance, he should meanly shrink fro
bringing it to a final issue. But even if h
were to be so wanting in consistency, ther
are others who would undertake the dut
The depreciation of paper is become man
fest to the whole world; the loss is n
longer inconsiderable; it now amounts
twenty per cent. nearly; and as the law ha
not yet rendered it compulsory in the ac
quittal of obligations, men owe it to them
selves, men owe it to their country to ap
peal to those laws which are still in ex
istence for the protection of individual
and for a fair and just fulfilment of con
tracts. This therefore is no other than
prefatory measure, to render bank-not
a legal tender. The Chancellor of th
Exchequer, with that fairness, and I wi
add with that courage, which belongs
him, has distinctly stated his purpose. H
has distinctly announced, that unless w
are content to receive bank-notes in a
payments, unless we are content to foreg
the rights we derive from the law, he wi
propose to parliament, to render them
legal tender. I now therefore implore th
House gravely to consider what in ever
country has been the effect of such a mea

Has it not universally been at- ed with the ruin of the public creditor, with the subversion of private pro- y? And by what délusion, by what tuation is it supposed, that to us alone ngs an exemption from calamities, ch have ensued among all other nations? reat offence is taken by gentlemen, m, tracing the progress of this mea- , among other nations, it is said: you proceed from legal tender to a *maxi-* s, and by a *maximum* cause a total page of all pursuits of trade and agri- ure. I am willing to allow, that in present state of men's minds, it seems ossible we should ever be brought to ct laws of this nature; but how gra- lly do the necessities resulting from own improvidence, and the difficulty racing back our steps, alter our opi- ns, and induce our assent to measures nerly regarded with the utmost repro- ion! In fact is not this very law a law *naximum* in respect of gold and paper rrency, which must aggravate the evil is designed to remedy, by banishing m the market an article no longer per- ited to find its own value? And is it t supported by a minister, who first re- nmended himself to public favour, by nutely tracing the progress of similar easures among our enemy? Before we ve sanction to the most oppressive laws er adopted in any country, to support a preciated currency, it is not necessary us to depart further from our present inions, than we have already departed m the maxims of our ancestors, when e listen with complacency to the Chan- llor of the Exchequer, suggesting the ture necessity of paper currency be- ming legal tender, and a director of e Bank proposing the immediate adop- n of such a resolution. How little are e now conscious of the pride and exulta- n with which we once repeated to our- lves the well-known words of Mr. Burke, our paper has a value in commerce, be- use in law it has none—it is powerful 'Change, because in Westminster Hall is impotent!" Then it was the just ast of an Englishman, that a creditor ght refuse all the paper of the Bank of gland in payment of a debt of twenty illings. Now we overwhelm with re- oach the individual who has been found exercise the right.

I am not disposed to exaggerate the om which such changes of opinion, and h measures, inspire; and since it is offensive to so many gentlemen to designate Bank-notes by the term of assignats, I will refrain from it. But when gentlemen state that a hundred and thirty millions of assignats were issued in one year, and, in a confident tone, ask, would you compare such a currency with Bank-notes, of which the whole issue is 23 millions, I must be permitted to remind them, that this issue was in the last stage of the disease; that we are now only commencing our career; that when Mr. Burke was writing some of the reflections I have quoted, the issue of assignats had not exceeded 16 millions, which were less depreciated than the present currency in Bank-notes. I have undoubtedly the utmost confidence in the wisdom and honesty of parliament. I believe, that even if we do not return to a metallic circulation, we shall proceed in the career of depreciation with less rapidity, and with more regard to the principles of justice, than any other nation: but I cannot indulge the hope, that we shall escape mischiefs from which none have been exempted. There is no such radical difference in our situation, as will warrant such a hope. Other nations, like ourselves, have used the agency of Banks; several times has France defrauded her creditors through the agency of the Caisse D'Escompte, and other banks. A very large part of the depreciated paper now current in so many of the states of Europe has also been issued through banks and companies. But we are told, with that complacent smile, which too often marks an Englishman, when he speaks of the institutions of his own country, the Bank of England is founded upon principles different from all other banks; it advances its notes only for values actually deposited in its coffers. I know not, that the principles of the Bank of England are in this respect different from the principles of any other bank. No establishment of this kind ever professed to make advances of its notes, but for securities of adequate value, and I am not aware of any great bank, (the Ayr Bank excepted,) that failed by a departure from its principles, except through its accommodation to government. I cannot perceive the difference between the Bank of England making advances on an exchequer bill, and the Caisse D'Escompte issuing its notes on the acceptance of a farmer-general of the revenue in former times; except in as far as the government of England is more likely to maintain its faith than the goverment of France. Too close a connection, too liberal an advance to government, has uniformly first discredited, and ultimately ruined, every bank. Governments, in their dealings with banks, resemble a class of customers not unusual, who, in order to pay one bill, demand permission to discount another; so, in the next year, government will faithfully discharge its obligations; yet we shall probably find, that the claims of the Bank on the revenue of the approaching year are somewhat greater than at present. Therefore the true matter for our consideration is not concerning the principles on which the Bank is constituted; but is it now an independent body, in the same degree as in former years? and has it not increased its advances, and drawn closer its alliance with government? It has been said the progress of depreciation was rapid in France, because paper was issued for the capital of the debt created in supporting war; it is slow in England, because we issue paper for the interest only of the capital. It was properly answered, by the Chancellor of the Exchequer, that we provided for the interest of our debt by annual taxes; but are not the accommodations of the Bank progressively increasing, either in the shape of advances, or purchases of exchequer-bills in the market?

I disagree with those who profess themselves unsatisfied, unless the Bank possesses a guinea in its hoards, for every note that is put into circulation. Such is not the principle on which paper currency in these islands has been established. But I may be allowed to ask, is the Bank of England actually solvent, except in as far as government shall discharge its obligations? I voted for a committee to enquire into the affairs of the Bank, in order to ascertain what proportion its other assets bore to its demands on government. The deputy governor of the Bank of England has since enumerated demands of this description to the extent of nineteen millions, to which is to be added 800,000*l.* advanced to the East India company, on the security of 1,200,000 three per cents. and the whole amount of Exchequer bills purchased by the Bank, in the market, making no less than 26,000,000. Under such circumstances, the Bank is little else than a machine of government, and cannot control its own progress. Who now denies that the stoppage of cash payments was the result of measures which the Bank was compelled to adopt by Mr. Pit At that time the Bank direction was com posed of persons, (Mr. Winthrop an others,) brought up in the sober school mercantile economy; they entertaine no wild notions of extending trade, carrying on war, by paper credit; an foreseeing the dangerous consequences the propositions to which they were urge they forcibly and solemnly proteste against them. Did their opposition pre vail? did not the importunity and influ ence of government compel them to yiel assent to measures which ended in stop page? If such was the influence of go vernment at that period, who shall enter tain a hope that the directors can now re fuse to accede to the requests of govern ment, now that government protects th Bank against its own creditors, with a de gree of zeal proportioned to the pecu niary accommodations it has itself re ceived? Let us only consider what oc curred last year after the examination o the Bullion Committee, after it became th deliberate opinion of all candid and im partial men, that it was expedient to tr the effect of a decreased issue with view to remedy the exchanges. It is im possible to suppose that the Bank direc tors were not willing to have made the experiment, and the opportunity was afforded them. After having exercised the utmost liberality in supporting commer cial credit, the demand for discount fel greatly short of its usual extent, and a diminution of the circulation might have taken place without affecting the commerce of the country, which had been urged as the great motive for sustaining it on so enlarged a scale. But did the directors of the Bank find themselves at liberty to make this salutary experiment, by diminishing their circulation in the same proportion as the demands for commercial discounts had diminished? was not the influence of government exercised to induce the Bank to make advances to Mr. Goldsmid and others, and to purchase Exchequer bills in the market, to such an extent, as involved an increase of Bank notes to the amount of twenty three millions, being three millions more, than in the former year; when the issue had been deemed excessive? In this, I blame neither the government, nor the Bank; great mischief might have followed, if they had not done so; public securities might have fallen very considerably; and if they had fallen, the revenue

d have been paid in Exchequer bills,
the resources of government have
ely failed. I state it, only to shew
mpossibility of the Bank diminishing
ssues in the present state of things ;
ove, that we must go on in the same
se in which we are proceeding: and
to demonstrate, that the depreciation
ank notes, which now amounts to
ty per cent. has no other limit, than
wants and necessities of government.
the House will not take warning from
t has happened in other nations, at
let us derive instruction from our own
slative proceedings. On a former
t an hon. gentleman stated the course
he American legislatures, even when
ng under the control and supervision
he British House of Commons. After
aper currency was substituted for the
ious metals in each State of North
erica, its depreciation speedily fol-
ed, and gradually proceeded in its
se, during a period of sixty years,
mes of prosperous trade, and in periods
versity; until parliament, disregarding
arguments, which now meet with so
urable a reception in this House, con-
ng the principles of justice, and im-
sed with a strong sense of the mani-
evils resulting from such a system,
ceeded to put an end to it by a legis-
e enactment. I refer to the act of the
of Geo. 3, cap. 34, the preamble of
ch never ought to be absent from our
ds: " Whereas great quantities of
er bills of credit have been created
issued in his Majesty's colonies, or
ntations in America, by virtue of acts,
ers, resolutions, or votes of Assembly,
ing and declaring such Bills of credit
e legal tender in payment of money;
whereas such Bills have been greatly
reciated in their value, by means
ereof debts have been discharged with
uch less value than was contracted for,
he great discouragement and prejudice
the trade and commerce of his Ma-
y's subjects, by occasioning confusion
dealings, and lessening credit in the
colonies." I humbly beseech the
se to direct its attention most carefully
his instructive case; because it affords
example applicable to our present si-
ion in every part. First it shows, that
never a paper circulation has been
stituted for a metallic currency, no
dence in the issue of it; no attachment
he principles of justice; not even the
ervision of parliament legislating as judges, and not as parties, can preserve it from depreciation. Can the representative of money be as valuable as the thing represented, unless convertible into money at pleasure? Can a promise to pay, at a period indefinite, be as valuable as an actual payment? In every state throughout the colonies, depreciation varied only in proportion to the moderation observed in the issues of paper. In some States it amounted to eleven hundred currency for 100 pounds sterling, while it was only one hundred and thirty per cent, in the wise, moral, and religious state of Pennsylvania.

Secondly, it proves, that in such a state of things, the evil has no tendency to correct itself, and is no way influenced by what is called a favourable or unfavourable balance of trade. During 60 years, our American Colonies carried on the most favourable commerce; yet they derived no accession of the precious metals sufficient to supersede the use of paper currency, though in the immediate vicinity of the mines which supplied the world.

Thirdly, the proceeding is said by Adam Smith to bear resemblance to a scheme of fraudulent debtors to cheat their creditors, and its injustice and impolicy are forcibly set forth in the emphatical words which I have quoted from the act. But the Americans themselves were totally unconscious either of the cause or the result of the system. Like ourselves they attributed the fall of exchange to the deranged state of commerce, and being for the most part debtors to the Mother country, loudly complained of the injustice of parliament, when it enacted that paper should no longer be deemed legal tender.

Lastly, we may hence learn how vain is the apprehension, generally entertained, that, by a recurrence to cash payments, we shall want a measure of exchange in all the ordinary transactions of human life; since we find, that a currency which had existed during half a century, and extended to the minutest fractional payments, was decried after a period of fourteen months; and that the precious metals immediately assumed the place of the former depreciated paper, without occasioning the least embarrassment to individuals, or to the State, and with incalculable benefit to the community.

Having said so much, with immediate reference to the Bill, I hope I may be allowed to trouble the House with a few words concerning the effect of a depreciation of currency, as the subject appears to me much misunderstood. It has been conceived, that the present is a question which chiefly concerns the landed interest: but, in point of fact, it relates, almost exclusively, to the public creditor, and all others who have fixed incomes; and touches the landed proprietor no otherwise, than during the period for which his leases are granted. It must be sufficiently evident to every one who has reflected upon the subject, that, as the value of all articles depends upon their relative plenty or scarcity, whenever the currency of any community is increased, whether consisting of the precious metals, or of paper, it must represent a smaller quantity of all other articles. When this change takes place, each party naturally endeavours to shift the burthen from himself; the landlord demands a higher rent, and obtains it, because the value of land is measured by the quantity of labour which it can command, and by no other scale; the price of labour is in no degree affected, the value of labour being in all cases proportioned to the demand for it, and paid for, in a certain proportion of the necessaries and conveniencies of life, whatever may be the nominal values which represent that proportion. Neither are merchants and traders, who buy to sell again, in any way injured; they only pay a greater nominal value for each commodity they purchase, which they sell again for a proportionate increase:—nay, in every instance, where they trade upon a borrowed capital, they are benefited, as they are enabled to acquit the original debt contracted, with a less quantity of real value. The only persons who are substantially affected and injured, are the public creditors, and all other classes of men who have fixed incomes, or are under contracts, the measure of which is regulated by a monied price; they have no means of casting the burthen from their own shoulders; the amount of their receipt is fixed and limited by the engagement itself, and in reality daily decreases by becoming exchangeable for a less quantity of every other article. At first view, it might be thought that the state stands in the same relation with this class of persons, its revenue being fixed, and its expenditure dependent on the value of the labour and other articles which it has occasion to purchase; but it will be found that so much of the revenue as consists of *ad valorem* duties, such as the stamps, Property Tax, and many others, rises with the depreciation of the currency; and, abov all, the state has the power of compensa ing itself for a depreciation in the value its revenue, by an increase of impost The state, therefore, remains a gainer, o all payments made to its creditors, of th difference between the value of mone at the time when it pays, and the valu of money at the time the loan was contracted; and ultimately nations hav generally availed themselves of such contingency to expunge their public deb The wealth, the industry, the commerc the agriculture of the nation, are neith advanced nor impeded. To suppose th the state acquires a power of maintainin foreign wars, and adds greatly to its p cuniary resources, by means of the depre ciation of currency, is an absurdity reser ed for present times:—foreign wars ca be supported only by the surplus of ou agriculture and commerce, beyond wh is necessary for our own consumption and the means of the state are always pr portioned to the extent of that surplu whether represented by a greater o smaller quantity of nominal value.

When therefore the first symptoms depreciation become apparent, the publi creditor, and every class of persons en joying fixed incomes, are peculiarly en titled to the care and protection of the le gislature, because their condition depen wholly on the faith and honour of th state. By various natural causes, the incomes are liable to gradual deterioration but, if to this be added a deteriorati arising from the depreciation of the cu rency itself, the state is then guilty of th utmost degree of injustice and oppressio When the stoppage of the Bank too place, in 1797, our necessities compelle us to be guilty of this injustice, by payin the public creditor in paper, instead o metallic currency, leaving other classe of creditors to exact a metallic paymen from their debtors, whenever they though fit. But this, so far from being an undu preference of the private creditor, seeme to the public creditor an important secu rity against an indefinite extension of in justice. It kept alive a memory of th true measure of value, and of his contrac with the state. It was calculated to retai more metallic currency in circulation, tha would otherwise have remained. It seem ed a guarantee for moderation in the issu of notes, since none were bound to ac cept them but while they were judged o l value with cash, and the guarantee d have been effectual, if we had been ridually vigilant, when the early toms of depreciation became ap- nt. If from unsuspecting confidence eciation should ensue, and men should t on metallic payments, as lord King w doing, confidence in the justice of British parliament forbade the appre- ion, that when every individual was led to obtain payment of his debt in good and lawful money in which it was racted, the state would persevere to its creditors in depreciated paper. the argument of the noble lord (lord lereagh) is a little curious. His sen- ity is extremely acute on this subject. ould you," says he, "commit the strous injustice of paying the public itor in paper, while the private cre- r is paid in metallic money ?" an ar- ment in itself a confession that paper ss valuable than coin. The just re- y would be to pay the public creditor rding to the terms of his contract. ut," says the noble lord, "Take from private creditor the right of demand- payment according to the terms of contract, and deal out the same mea- of injustice to both parties, by com- ing them to accept payment in depre- ed paper." On behalf of the public itors, I do most earnestly protest inst the remedy proposed by the noble . If the necessities of the state do not ble it to fulfil its engagements with our lot will not be alleviated by an in- tion of justice extended to other de- ptions of men: let them enjoy their ts in their fullest extent; the wrong sustain must be so manifest to all man- d, that in process of time, relief may be nted to us; but if a common measure njustice be extended to all other mem- s of the community, then we shall be rely forgotten, and finally afford to nkind another example of the fate that aits those who enter into engagements, which right is on one side, and power the other.

But let me now examine the conduct of d King, which has been as much con- nned by the public in general, as within walls of the House. After the most iberate and sober reflection, I solemnly clare, that in my judgment, he merits thanks of the public, rather than its nsure. I do not hesitate to avow, that the last three years, during which de- eciation has been going on, I have very often deliberated on demanding payment of debts in metallic money; and if I have been deterred from doing so, it has not been from any doubt of the justice of the measure: but being totally unconnected with party, and fully sensible of my own insignificance, I did not find in myself courage to brave the clamour which I foresaw would be raised by the many persons interested in the continuance of the present system of things. By this declaration, I trust I shall not be deemed to brave public opinion. He who affects to place himself above the opinion of mankind, is more or less than man; but entertaining these sentiments, I will not, while I am conscious of their rectitude, shrink from the avowal of them, because they may be unpopular. What is the spirit of the contract between a landlord and his tenant?—That the landlord shall receive a monied rent equal to a certain proportion of the produce of the soil;—and if a monied rent paid in notes, actually depreciated, no longer represents that proportion of the produce, is it unjust or unfair to require payment in metallic currency, which more nearly represents that proportion? Suppose the noble lord to have let, in 1780, a field capable of producing four quarters of wheat, worth on an average of the last 15 years 180 shillings; and to have allowed 135 shillings for the labour and stock of the tenant, and reserved to himself a rent of 45 shillings of metallic money, or one quarter of the produce. Suppose the same field still to produce four quarters, which, on an average of five years, sells for 85 shillings per quarter, or 340 shillings, in paper currency. The sum necessary to compensate the labour and replace the stock of the tenant will be 225 or $\frac{3}{4}$ of the produce, every article necesary to cultivation having advanced in cost in the same proportion; but if he can acquit himself of his rent by 45 shillings of the same currency, he will be a gainer of 40 shillings; the share of the landlord, which, in the contemplation of the parties when the contract was made, amounted to $\frac{17}{68}$, will be reduced to $\frac{9}{68}$; and the farmer, who looked to $\frac{51}{68}$, will receive $\frac{59}{68}$. Repayment is not demanded of the $\frac{8}{68}$ or 40*s.* thus lost by the landlord, and gained unexpectedly by the tenant. Lord King was aware of the natural depreciation of money in a rich and flourishing country, and is content that his tenant shall enjoy a very large portion of the gain. He requires only that his contract shall be executed in the terms in which it is conceived;—45 shillings formerly contained about 9 ounces of standard silver, and were represented by 18 pieces, called half-crowns. The mystic word "Bank" has been imprinted on their face, and he is required to receive these same pieces as of the value of three shillings, though no individual in the community will give in exchange for them, a particle more of his property, than when they passed by their old name. Our tone and manner of thinking may have altered, since the case is no longer viewed in the abstract; such transactions, however in other countries, and among ourselves in other times, have been stigmatized as gross and barefaced frauds. But the currency of the bank, though it may have lost of its value on 'Change, is not yet omnipotent in Westminster-hall; and lord King has appealed to the law of his country, to enforce the rights which still remain to him.

But it is urged that landlords may exercise a grievous oppression over tenants. These names, whenever they are used, we consider to be descriptive of parties between whom respect and attachment, kindness and protection, mutually exist. And, happily for this country, so rare is the character of a harsh landlord, that I believe much of the odium attached to lord King has proceeded from an idea, that some severity to the tenant was in contemplation. The calculation with which I have troubled the House will show, that even if rents were paid in the manner demanded by lord King, the gain of the tenant, which is now 40*s.* upon a payment of 85*s.*, will only be reduced to 31*s.*, an advantage accruing to the tenant from the increased abundance of the precious metals, and other circumstances. But, even laying these circumstances out of our view, the tenant, whose currency consists for the most part of private banker's notes, will be no sufferer. Neither the public, nor lord King, seem to have been aware of the 37th Geo. 3, cap. 32. I was not till lately conscious of the powers it granted to enforce payment, in money, of one and two pound notes from the private bankers, who have issued them. By means of that act the tenant who holds such paper will be entirely relieved. Whenever the landlord demands a metallic payment, it will only be necessary to carry the very notes, with which the tenant has usually paid his rent, to the private bank, and demand their value in specie. The law has provided efficacious means for enforcing the demand; and if any hardship or inconve nience or loss is sustained, it will fal where it ought to fall, on those who durin fourteen years, have reaped large gain from the circulation of notes; who, b the extent to which they have pushe their issues, have rendered manifest an intolerable the depreciation inseparabl from paper currency. I hope no ma will judge me to speak invidiously: I con sider all private banks as institutions aris ing out of the wants of the community and eminently useful. So far from con curring with those who would sacrific them at the shrine of the Bank of Englan I would rather forfeit all the benefi resulting from that establishment, tha disturb one individual in his honest calling whether founded on the accumulate capital of several generations, or upon bare confidence in the probity and indus try of the individual. But I will not, dare not release him from the perform ance of one tittle of his engagement. I it be demanded, as in the case of th tenant, "Did the parties look to the fulfil ment of the contract in any other manne than in bank-notes?" I answer, they di so look. Not only is the private banke bound to pay one and two pound notes i money, by the general law of the lan from whose obligations no man is exem by reason of ignorance; but, by the 37t Geo. 3, cap. 32, a distinct and special con tract was created; private bankers we allowed to press their circulation into th retail transactions of life: but this grea source of emolument was permitted t them only on the special condition of con verting their notes into money at the op tion of the holder under pain of specifie penalties. The boon was accepted, wit all the obligations attendant on it; eac village soon produced a banking shop; fo fourteen years the country has been satu rated with paper currency, and profits hav been enjoyed beyond the wildest expect tation. After such a lapse of time, whe at length it is perceived, that the easy con fidence of the country has been abused when our circulation is manifestly depre ciated; when each individual has been in jured in his fortune by a departure from th only true and just measure of value; sha we stigmatize the individual who refuse to receive a depreciated currency, an exercises the option granted to him by th law, for the very purpose of preventin that depreciation which the legislatur foresaw?

ask the noble lord, if, when the assig-
were first sent forth into circulation;
nen the American Congress, in the year
, first issued their currency; if, when
own colonies first emitted that com-
ory paper which parliament has des-
ed as pregnant with so many evils; if,
ose countries, there had been found a
on, who, disdaining public clamour,
appealing to the laws of his country,
those laws could have been enforced),
refused to submit to the aggravated
stice of receiving such paper in dis-
ge of an obligation contracted in good
lawful money; I ask the noble lord,
ch a person rousing the nation from its
bers, had rendered it sensible of the
s of all compulsory paper, and restored
use of metallic currency; would such
an have been stigmatised as regardless
he obligations of conscience, and in-
sible to the prosperity of his country?
ut it is said that the public mind has
n disturbed, and its confidence in the
es of the Bank of England abated. I
eve that a confidence in the notes of
Bank of England is very little in-
nced by our resolutions. If our opi-
ns could attach estimation to them, we
e already declared them equal in value
the precious metals; but on such sub-
s mankind are influenced by the evi-
ce of their own senses, and estimate all
cles by their value in exchange. The
e importance attached to our opinions
he market cannot be better illustrated,
n by the fact stated by an hon. director
the Bank, that, while this Bill has been
der discussion, exchanges and the price
bullion have become more favourable.

The noble lord is likewise of opinion,
t a sense of moral duty should have
erred lord King from the course which
has taken. I can very well admit, that
the depreciation was very inconsider-
le, as in the first year after the restriction,
nen the precious metals and paper were
adily exchangeable for each other, at a
all premium, it would have been improper
have disturbed an order of things with
nich the country was generally satisfied.
t I wish to know to what extent this for-
arance is to be carried: if a sense of moral
ty may induce our submission to a de-
eciation of five per cent., are we bound
submit to a depreciation of ten? or, if
ten, to fifteen or twenty? Under such
cumstances, if government, from tem-
rary motives, refuses to remedy a di-
ase so fatally progressive in its nature, and avows its determination to persevere,—is it unbecoming a man of high rank and irreproachable character, raised above the suspicion of mercenary motives, to proclaim the wrong he feels, and to appeal to the laws of his country to remedy an evil which can be resisted only in its incipient stages? For be it always remembered, that, if we shall persevere in this system, and depreciation shall increase, it will be impossible to retrace our steps: the hardship of compelling the fulfilment, in metallic value, of contracts which have been formed at periods of depreciation, being no less apparent, than to suffer a debtor to discharge, by depreciated paper, an obligation contracted when the real was correspondent with the nominal value of money. Let us not deceive ourselves: let us not fortify each other in error, by reviling the man who recalls us to a dispassionate consideration of this subject by an appeal to the judges of the land, to that tribunal which is exempt from passion and prejudice. Does or does not depreciation exist? is the true test by which the conduct of lord King must be judged. If depreciation does not exist, he has erred greatly: but if depreciation does exist, and to a considerable extent, then is he the defender of the rights of the public creditor, and all other persons enjoying fixed incomes, as payment to them in a depreciated currency has ever been acknowledged to be a most manifest injustice.

And now to the question of depreciation, to which I should have addressed myself in an earlier stage, had I conceived that it would still have been denied. I despair however of convincing any man who is not already satisfied. Have not two years now elapsed, since the exchanges with all foreign countries have been depressed, below their usual level, to the amount of 20 per cent.? Do not the precious metals, compared with Bank-notes, bear the same relative increase of value? Has it not been stated, that, in Jersey, the guinea exchanged for twenty-five livres, and the Louis d'or for twenty-four livres; that the Jersey Bank-note for a Louis payable in specie exchanged for twenty-four livres, and that the English Bank-note exchanged only for twenty livres? Is it not acknowledged even by the Chancellor of the Exchequer, that the precious metals are more valuable than paper, under certain circumstances? and if more valuable for any supposed purpose, must not that alone give them a value in the general estimation beyond paper, which is not so applicable? But will the evidence, resulting from the late issue of Bank-tokens, likewise be denied? The whole cannot be be greater or more valuable than the parts of which it is composed; three notes of one pound each cannot be more valuable than twenty three-shilling pieces of the new currency; and these twenty three-shilling pieces actually contain something less than the same quantity of standard silver, as was contained in twenty half-crowns. Suppose the Bank-notes for twenty-three millions, now in circulation, annihilated, and the same represented by a proportionate number of three shilling pieces, would gentlemen then assert that our currency was not depreciated? The same quantity of silver as was contained in fifty shillings would represent sixty shillings, and would any one deny that the denomination of our standard was raised, which is precisely the same thing? But really in discussing this question, gentlemen of the gravest character, and enjoying the highest authority in the House, for accuracy, and acquaintance with subjects of this nature, seem to feel themselves at liberty to indulge in the most extravagant perversions or omissions. Would it be believed, that the treasurer of the navy had twice entered into a discussion of the amount of our currency, and had each time omitted an item of thirty millions in his calculations? Would it be believed that he had totally left out of consideration the circulation of the private Bank-notes previous to the restriction, and in the present times? He has stated that the amount of our circulation in former times was thirty millions of specie and eleven millions of Bank-notes, and asked how it was possible to conceive a redundancy in our present circulation, when it consisted of twenty-three millions of Bank-notes, and when our gold was reduced to a sum not exceeding five millions; making in the whole twenty-eight millions, instead of forty-one of which it formerly consisted?

I believe this estimate of our specie to be considerably exaggerated; but, proceeding upon the right hon. gentleman's own data, his calculation is manifestly defective. Private Bank notes formed a material part of our circulation before the restriction, and now exceed our Bank currency and specie united. Conformably to the right hon. gentleman's own view, our currency was

30,000,000 Specie
11,000,000 Bank notes
7,000,000 Country notes;

Its present amount is

5,000,000 Specie
23,000,000 Bank notes
32,000,000 Country notes,

Making sixty millions in the whole; an constituting an addition to our currenc of 12 millions instead of a diminution o 13; or an error in the right hon. gentle man's statement to the extent of 2 millions.

I hope I shall not be deemed presumptuous, when I most earnestly implore th House to attend to the facts that regar the circulation of private banks, becaus very little attention has been bestowed o the subject, and it has been thought impossible to ascertain the amount of thei circulation.

It is sufficiently known, that, by variou acts, a stamp duty is imposed on all promissory notes re-issuable, progressive according to the value expressed on the fac of the notes. From October, 1804, t October, 1808, the duty by the 44 Geo. 3 was 3*d.* for every note, the value expressed on which did not exceed £. 1

6*d.* for every note not exceeding... 2
9*d.* for every note not exceeding... 5
1*s.* for every note not exceeding...20

These duties, since October 1808, hav been increased by the 48th Geo. 3, on scale with which it is not necessary t trouble the House. It is greatly to be lamented, that accounts of the produce o the duties on promissory notes re-issuable cannot be had from an earlier period tha October, 1804, they having been confounded with the duties on bills of exchange. Had they been in existence, w might have traced the progressive increase of private bank circulation from it origin. But the accounts since Octobe 1804, have been kept with the utmost regularity, and show the amount of stamp of each class which have been issued Notes for 5*l.* and upwards may be re-issued as often as they return upon their issuers, during three years after their firs emission, when the law requires the issuers to cancel them. Notes of one an two guineas may be re-issued for a perio unlimited, it having been assumed, that, i the course of three years circulatio they generally become so rubbed an worn as to be defaced, and incapable o further circulation. This statement wa furnished to the treasury by the priva nkers, and therefore the average cir-lation of these notes may be presumed last so long at the least. It is evident at no banker will incur the expense of uing a note with a new stamp, as long he has in his possession any notes hich have been returned upon him, and e circulable; neither will he keep by m any large quantity of stamps ready to e filled up, when communication with e metropolis is so easy and expeditious. he number of stamps issued in three ears antecedent to any given period will erefore shew the number in actual cir-lation. The only deduction to which e gross amount seems liable, is, for the anks which have failed, or declined bu-ness during the interval, which gentle-en may estimate in any manner they lease; but which can scarcely be equal the number of stamps which remain in irculation beyond the period fixed by e law.

Proceeding upon these data, we have herefore the means of ascertaining the ssues of private bankers with considerable ccuracy, by calculating the sums issued n the several classes of stamps. I assume hat for every *3d.* stamp on which the rivate banker is competent by law to ssue a promissory note for one guinea, here shall have been issued a promis-ory note for one pound only:

For every *6d.* or two guineas' stamp £. 2
For every *9d.* or five guineas'......... 5

And for every 1*s.* or 20*l.* and upwards 10*l.* only. The actual issues cannot have been less; they probably have been more. Applying this calculation to the stamps in the year ending October 1805, the result will as be follows:

No. of Stamps.			£.
2,905,600	1*l.*	1*s.* stamps at 1*l.* only	2,905,600
32,000	2	2 .... 2	64,000
823,466	5	5 .... 5	4,117,330
302,600	20	0 .... 10	3,026,000
4,063,666		....	10,112,930

Pursuing the same method in the following years we have for

		£
1806 stamps	4,032,155	10,337,905
1807	2,834,072	6,123,620
1808	2,901,051	8,011,659
1809	7,574,663	15,332,429
1810	4,405,054	9,617,081

Hence it appears, that the number of stamps in circulation, at the end of three years, in October, 1807, was 10,929,893, and the correspondent value of the notes issued by private bankers, was £26,574,455

1808	9,767,278	24,473,184
1809	13,309,786	29,467,708
1810	14,880,768	32,961,169

The issues of the Bank of England have been progressive in like manner:

In 1807	17,500,000
1808	17,500,000
1809	20,000,000
1810	23,000,000

Combining the issues of private bankers with the issues of the Bank of England, the whole paper circulation of the kingdom will have been:

1807	44,000,000
1808	42,000,000
1809	49,400,000
1810	56,000,000

I entreat the Treasurer of the Navy will do me the honour to bestow his attention on these facts. They are founded on documents which cannot be controverted. In each calculation I have assumed that the actual issue of the private banker is the smallest sum for which the stamp is available, and not the largest, as I might have been justified in doing. The result would have given an increased circulation of several millions. But, if I am not in error, all doubt as to depreciation must cease. Here is an end of the argument, that our circulation has been gradually extended with the increase of our commerce and our revenue, during a lapse of fourteen years. I am willing to allow, that until the year 1808, our paper currency may have extended itself with some relation to these circumstances, though with much more rapid progression. But what has been the state of our revenue, or our commerce, during the two last years? Our revenue has advanced a little; but our commerce has declined, as my honourable friends tell me, and its decline is the cause of the evils we suffer. To what then has this enormous increase of paper circulation been owing? To the facility of the Bank in granting accommodation to government, and to the activity of private bankers to push the circulation of their notes in proportion to the increased issues in the metropolis. The depreciation of paper in former years, was chiefly a subject of private discussion among speculative men. But, when seven millions were added to our currency in one year, can we doubt the cause of the fall of our exchanges? and when an addition of a like sum ensued in the succeeding year, shall we be surprised if the depreciation of paper is now universally manifest? That prices advanced more than one half during the latter part of the 16th century is universally known; and the importation of the precious metals from America, which in no year exceeded six millions, diffused throughout the world, is acknowledged to have been the cause. Will then the sturdiest believer of the immutable value of Bank paper now maintain that fourteen millions can be added to the paper circulation of Great Britain in two years, without producing some effect of the same nature? Even the noble lord may hesitate in longer asserting that our disease is the scarcity of gold compared with paper, rather than the redundancy of paper compared with the precious metals. In my mind the difficulty is, how so great an increase of currency has produced so little advance of prices; and I might thence doubt the accuracy of my own statement, if I did not call to mind the many historical facts, which prove, that prices do not instantly follow an increase of the circulating medium, and do not find their true level until it has been fully diffused throughout the community, and intermixed in every transaction of life.

But there is another view on which I am content to rest this question. In a former debate, a right hon. gentleman of the most extensive information, and the utmost candour of mind, called upon a late Secretary of the Treasury, who had greatly distinguished himself on such subjects, to state, whether he contended, that the currency was depreciated on a general view of prices? I then accepted the challenge, and declared that the argument for depreciation was at an end, unless it could be shewn that the currency was depreciated on a comparison with all those articles, which political writers, in considering this question, have adverted to as tests of depreciation.

As to the price of wheat, which is deemed by Adam Smith a more accurate criterion of the value of money than any other commodity or set of commodities, I can only repeat what has been better expressed by lord King himself. It will be found that the price of wheat on an average of fifteen years, from 1771 to 1785, was 46*s.* a quarter; from 1786 to 1797 it was 52*s.* a quarter; and from 1798 to 1810, (omitting 1800 and 1801 as years of dearth,) wheat has been 71*s.* a quarter. It will further appear, that in the year 1797, wheat being at 52*s.* a quarter, a pound Troy of gold, viz. $44\frac{1}{2}$ guineas, or 46*l.* 14*s.* 6*d.* sterling, represented 18 quarters of wheat. From 1802 to 1806, when wheat was 70*s.* a quarter, one pound of gold at the Mint price of 3*l.* 17*s.* $10\frac{1}{2}$*d.* per ounce, represented $13\frac{5}{14}$ quarters of wheat: but at the real price of gold in the market at 4*l.* 2*s.* per ounce, it represented $14\frac{1}{16}$ quarters. From 1806 to 1810, the average price of wheat has been 85*s.* a quarter. One pound of gold at the Mint price represented 11 quarters; and at the mean price of gold in the market, which may be stated at 4*l.* 7*s.* per ounce, one pound of gold represented $12\frac{1}{4}$ quarters.

But if the price of wheat be objected to as the test of value, shall this question be tried by reference to the tables of sir George Shuckburgh Evelyn? They were constructed to ascertain the value of money from the Norman conquest, and have been highly celebrated for accuracy. They are founded on a comparison of the price of wheat, of twelve different articles of husbandry, of day-labour, and of butcher's meat, and an average is taken of the whole as the true measure of depreciation. This calculation gives a depreciation greater by about a fifth, than if calculated by the price of wheat only. Assuming 100 as the integer in the year 1550, the depreciation in the year 1700 was 238. In 1795 the depreciation was 426 by the price of wheat, and 531 on a mean of the four articles. The same calculation continued to the present time will give a depreciation of 696 by the price of wheat, and 820 on a mean of the four articles.

A pamphlet has been published, not wanting in ingenuity, in which the depreciation of our currency is controverted, because the monied prices of cotton, sugar, coffee, tea, tobacco, currants, and nutmegs, are not advanced beyond the prices in the year 1800. But did any writer ever deem these to be articles by which an estimate was to be formed of the comparative value of money? If coffee is to be used as the standard of value, the result will be, that instead of any depreciation in the course of the last century, the currency has advanced in value, coffee being now five times cheaper than it was in the beginning of the last century. But, taking as a test the table adduced by the author of the pamphlet himself, it will be found, that every article of agricultural produce, and every other commodity not susceptible of

efinite increase by machinery or other
rovements in manufacture, is really
anced in price nearly in the same pro-
tions. A few exceptions have been
ted, such as iron and wool: but the
t is to be accounted for by the im-
vement of our home manufactures, and
second by the large importation from
ain. If these facts be correct, they
l effectually confute the doctrine, that
is not paper which is depreciated
m abundance, but gold which is become
rce." The House will recollect what
robation this doctrine, when first start-
incurred from Mr. Fox, and with how
le favour it was viewed by Mr. Pitt,
ugh now the doctrine of the day, ap-
uded and followed by merchants, and
nkers, and ministers. We have never
en told by what scale gentlemen, when
ey so argue, measure the value of gold;
t are they prepared to deny, that the
ices of the precious metals must be mea-
red, like other commodities which by
unrestrained sale have found their
vel, by the labour and capital neces-
rily employed to bring them to market?
re not the precious metals dear or cheap,
proportion as they exchange for more
less of other articles, on which certain
rtions of labour and capital have been
pended?—If, as stated by lord King,
e pound troy of gold now represents in
real value 13 quarters of wheat instead
18 quarters which it represented for-
erly; and if all prices bear something
the same proportion to gold; it cannot
doubted that gold is cheaper, or in
her words, that gold represents less value
an formerly. We likewise know by
e testimony of Humboldt and every
her writer who has visited Spanish Ame-
ca, that the metals raised from the mines
xceed in the proportion of 3 to 2 the
uantity raised in former periods. The
xportation of silver to India and China
as also ceased of late years. Indeed we
ow hear of reimportations from these
ountries. But, what I deem of no less
nportance is, that very large quantities
f the precious metals, hitherto used as
oin in the several countries of Europe,
re no longer employed for that purpose,
nd are returned into the bullion market
o be applied to their metallic purposes
lone. What is become of the twenty-
ve millions supposed to have circulated
s coin in this island? Has not a large
art returned to its other metallic uses?
nd could such an addition be made to the quantity of precious metals in the market of Europe without producing a sensible reduction of their price? Does not an increased quantity of gold and silver plate, and other ornaments, every where strike our senses? which is not accounted for by the increased wealth of the community alone, but must likewise be traced to an increase of the metals themselves. Facts of the same nature have been equally remarked in countries, which have not advanced in opulence like this nation. Throughout France a great increase in the nominal prices of labour and other things has been noticed by the statistical reports of all the prefects. This increase has extended itself to Poland, and other parts the least accessible to commerce. It has been estimated at 25 per cent. which will correspond with the depreciation of 45 per cent. observable among ourselves, being 25 per cent. for the decrease in the value of the metals, and 20 per cent, for a decrease in the value of bank-paper, when compared with the metals. Yet it had been imagined by many gentlemen, when these discussions commenced, that the price of gold had risen on the continent for no other reason than because gold passed out of this country. I entreat they will reconsider the facts, and I venture to assert, that there are only two articles in existence of which gold now represents a larger proportion than it used to do; silver, from the increased fecundity of the mines, and an improved mode of working; and bank-notes, from the redundancy of the manufacture.

A right hon. gentleman (Mr. Vansittart) who brought forward Resolutions, which, it was contended by their advocates, would set at rest this question, admitted Irish bank notes to have been depreciated in 1804, because two prices existed, and one exchanged for a larger portion of commodities than the other; which he denied then to have been the case in England. He was answered: "Wait the decision of De Yonge's case, now under the consideration of the judges, and you will here also see two prices generally established." The case has been decided conformably to truth and justice, by which alone the judges of the land have ever been actuated. Two prices do now exist publicly, as in fact they did exist privately, and will exist after our bill. Not a street in London where more value in exchange cannot be obtained for one hundred guineas in gold, than for one hundred and five pounds in notes. Will the right hon. gentleman still deny the fact? or will he argue that the precious metals have acquired an artificial value? Such cant is unworthy of the candour and knowledge and talents of that right hon. gentleman. He knows full well, that the law may give an artificial value to a paper currency, because it may cause it to be received in payment of revenue, and enable a debtor to acquit a debt of one pound with a shilling; but the value of guineas, like other articles, is regulated by the labour and capital necessary to bring them to market; and they never can possess any other value. After all these proofs, and the many more which may be adduced from our own daily expenditure, he who still continues to deny the depreciation of bank-paper, can only be classed with the ministers of Austria, who still complain of the machinations of merchants to keep down the exchange, when the price of government paper compared with specie is as 4 to 1.

But there is a considerable class of persons, who, admitting the dangerous consequences of a further perseverance in the use of paper currency, still ask, How shall we get back to a metallic circulation? Where shall we find the precious metals in sufficient quantity to supply the place of so much paper? And when a learned gentleman had argued, "Leave them to find their way hither; they will come as claret does;" a great advantage in point of argument was supposed to have been obtained by the supporters of the bill. But I still do not hesitate to say on this, as in so many points of our case, look to your own legislative proceedings. Notwithstanding this and many other arguments of the same nature, you did decry the paper currency of North America, after a period of 14 months; and though no means were adopted by the state to procure an importation of the precions metals, they were found in sufficient quantity to supply all the purposes of a circulating medium. But if an example of a more striking nature be necessary, it is afforded by France. Without warning, without preparation, the paper circulation ceased, and the country returned to a metallic circulation. Nor has history recorded a single complaint of the inconvenience derived from the inadequacy of the circulating medium. Louis d'ors returned into the market the moment mankind were sure of obtaining for them their real value; and though the
circumstances, which caused them to pr
serve their coined form, are not equall
cogent in respect of guineas, yet man
more guineas will speedily appear amon
ourselves than are suspected to exist,
soon as we shall follow the same cours
Can a great and rich community, whic
draws to itself whatever is most rare an
valuable in nature by the market it afford
alone want its due proportion of the pre
cious metals? Did any nation ever tak
direct means to draw to itself the precio
metals, or have they not diffused them
selves throughout the world in search of
market? All nations, by a singular fatu
ty, have enacted laws to preserve mo
than a due proportion of the precio
metals; but has any nation been success
ful? Whatever be the purposes to whic
they are destined, whether to be used
coin, or as plate and ornaments, or for an
other imaginable purpose, each natio
possesses its due proportion, and no mo
than its due proportion, on a comparis
with the amount in existence througho
the world. When a nation substitutes
paper for a metallic currency, the coi
disappears; and happy it is that such
the case; nor will that portion of th
precious metals which formerly existe
in the shape of coin ever come back, wha
ever may be the state of trade, because
is not wanted for coin; and for all pu
poses of metallic use a due proportion a
ready exists in the market. Or, if th
precious metals did come back, they woul
again quit the country, from the same rea
son as first caused them to disappear. O
the other hand, as long as a country persis
in the use of metallic money, no circum
stances in the conduct of its neighbou
can draw away the portion it requires
The first fact is sufficiently proved by th
history of our colonies already stated; an
the last is strikingly illustrated by th
situation of the four northern counties
Ireland, which still retain all the precio
metals in the shape of coin formerly pos
sessed by them, though they have vanishe
from Great Britain and all the neighbou
ing parts of Ireland. But if ever the
was a moment when this apprehension,
all times groundless, must be absurd, it
now, when, by political events, th
country, which formerly drew the pre
cious metals from the markets of Europ
has itself become the emporium, fro
whence all the other nations of Europ
draw their supplies. Where, but
this country, must the produce of th

herican mines be brought? and yet it upposed that we alone shall want an cle of which we are the distributers to whole world. If it were not the present ion to disregard the authority of all at writers on political economy, whose nions for half a century have been reded as axioms, I would remind the use of the words of Mr. Hume: "a gorment has great reason to preserve with e its people and its manufactures; its ney it may safely trust to the course of nan affairs, without fear or jealousy."

But on all these occasions a short anr is given: "Your doctrine is good in ordinary state of human affairs, but s not apply to a crisis, when all comrcial intercourse is at an end, and we re to contend with an enemy, who is suing a course of measures of which no mple is afforded." This has been so en repeated, that many an Englishman, ny gentlemen in this House, in general ll informed, and devoting a sufficient tion of attention to the public docunts, consider France and the Continent Europe hermetically sealed against tish commodities, and our commerce luced very greatly below its extent at y antecedent period. To all such I take liberty to state, that at no period since beginning of the present war, have our ports both of British produce and of lonial articles been so great as during last two years, as the returns in official lue will show:—

		British.	Colonial Produce.
xports in	1802	26,990,000	14,400,000
	1805	25,004,000	9,950,000
	1806	27,403,000	9,124,000
	1807	25,190,000	9,395,000
	1808	26,691,000	7,862,000
	1809	35,104,000	15,182,000
	1810	34,940,000	10,945,000

But although gentlemen cannot deny e figures I have quoted, being the sult of the Custom-house documents, d presented to our view with the counts annually laid upon the table, ey will answer, that this export has been America, chiefly, from which returns ve not been had, whilst our exchanges e chiefly affected by an intercourse ith Europe itself. Here likewise I am appy to be able to satisfy them; for it ill appear, that confining our view to the ntinent of Europe, our exports during e last six years have increased in a reater progression than to all other parts the world.

Exports to and imports from the continent of Europe in official value:

	Exports.	Imports.
1805	15,465,430	10,008,649
1806	13,216,386	8,197,256
1807	12,689,590	7,973,510
1808	11,280,490	4,210,671
1809	23,722,615	9,551,857
1810	19,606,706	12,476,140

Again will this fact be met with an assertion, that though our commodities have undoubtedly been exported from hence, yet, owing to various confiscations and checks and impediments, no adequate return has been obtained, and the greater part of our goods still remains in depôt at Heligoland, at Gibraltar, and other places to which they were carried with a view to their ultimate introduction to the continent.

To what extent a deduction must be made for these circumstances, I am unable to estimate. I am willing to admit that it may have been considerable, though far less considerable than merchants in general would have us believe. During the year 1809, our enemy was engaged in the Austrian war; his attention was wholly occupied with that important object, and his armies being drawn to the Danube, an opportunity was afforded for the introduction of our manufacturers into Holland and other parts, with little or no restraint. Various severe decrees were promulgated towards the end of the year; but the measures for their enforcement could scarcely be adopted before the commencement of 1810, when his armies were spread over the North of Germany. Accordingly we were expressly told in the speech from the throne, in the month of January 1810, with reference to our commerce and revenue during the year 1809, that, "Whatever temporary and partial inconvenience may have resulted from the measures, which were directed by France against those great sources of our prosperity and strength, those measures have wholly failed of producing any permanent or general effect." Even for the first six months of 1810, as long as king Louis ruled in Holland, the decrees of the enemy do not seem to have been rigorously enforced; nor do our merchants seem to have taken much alarm until October. These are reasons, which induce me to believe, that the losses from all these causes have been much less than the public generally imagine. But what chiefly influences my mind, is the continuation of the increased export during two years. Had it been for a single year, the enterprise of our manufacturers, aided by the unlimited extension of credit, resulting from the creation of paper circulation in the year 1809, and the impatience of our merchants to rid themselves of colonial produce, with which the market is glutted, might have tempted them to send abroad their commodities, without due consideration of the difficulty of obtaining returns. But when our exports in the year 1810 have proved nearly as great, it is impossible for me to believe, that no adequate consideration has been received for our exports in 1809. I submit to the plain sense of mankind, whether it is possible that our exports to the continent, which in the year 1808 were no more than 11,300,000, having in 1809 increased to 23,700,000, should have continued in 1810 at 19,600,000, unless a tolerably fair return had been obtained. I am strengthened in this conviction, because I find that an export of coffee having taken place in 1809 far beyond what could be sold, the export, which had been in that year 5,845,000, sunk in 1810 to 1,454,000. In other articles there is no such fluctuation. Our woollens and hardware, sugar raw and refined, indigo, and even piece goods, the produce of India, are nearly in their relative proportions during each year; and what is most remarkable is the export of our cottons, which has advanced progressively:

	Cotton manufactured Goods.	Twist.
1805	8,771,000	1,086,000
1806	9,896,000	854,000
1807	9,867,000	669,000
1808	12,835,000	575,000
1809	18,634,000	1,097,000
1810	18,041,000	1,075,000

But to put an end to the averments that no adequate value has been received for our exports to the continent, I refer to the account of exports and imports in real values, which shows that for an export of 27,190,337*l.* we actually received in 1809 an importation of 19,821,601*l.* The account for the year 1810 in real values has not yet been made up. But as there has been a diminution of exports of four millions, and an increase of imports of three millions in official values in the year 1810 compared with 1809, it is probable, that the exports and imports for 1810 in real values will nearly balance each other. Allowing therefore seven millions to have been applied to defray our military an naval expenditure abroad in two year we have received a full value for ever article of export.

Account of Exports and Imports in rea values:

1805	20,435,940	21,744,762
1806	17,547,243	17,855,524
1807	15,420,514	17,442,755
1808	13,983,123	8,905,099
1809	27,190,337	19,821,601

Even British shipping has increased i spite of the frequent intervention of neu trals to convey abroad our commodities and the number of our merchant seame has advanced, notwithstanding the in crease of men in his Majesty's navy. therefore undertake to say, that no mate rial diminution will be found to exist i the exportation of any one considerabl article of British manufacture, or even o colonial produce, whilst in several, an particularly in our cottons, there will b found the enormous increase I have state Nor need we be surprised at the fac During the first years that followed the re newal of war, France had given great en couragement to the establishment of cotto manufactories, and had succeeded to a con siderable extent. After the Milan De crees, our orders in council prevented th importation of the raw material, and suc a demand was thus created for cotto goods as, in its effect, far more than coun terbalanced all the impediments oppose by the enemy to their sale and use throug out the continent. I also think, that careful examination of the exports an imports will tend to show, that up t the end of the year 1810, (of what ha since happened I do not pretend to spea no documents having been submitted t the House,) the commercial embarras ments, so loudly complained of, hav chiefly resulted from the excess of ou colonial imports, and the superabunda increase of our manufactures, and not fro a diminution of our communication wit the continent, on a comparison of the la eight years. Nor is it difficult to accou for the misapprehension that prevail Merchants were unwilling to confess state of things in which much of the ev seemed chargeable to themselves. Op position was willing to believe that th trade was totally stagnant, with a view state it as the result of the orders in cou cil. And government tacitly acquiesce in the statement, in order to place the fa of the exchanges to the account of a d nished commerce, rather than to its e cause, a redundant paper circulation. have dwelt too long, and perhaps too nutely, on these statements: but I am st desirous to fix on them the attention the House, because they may serve to w, how little availing are the efforts of wer to interrupt the communications countries which have a surplus produce interchange. Since it appears, that er eight years of relentless warfare, unremitting vigilance and uncontrolled hority of the enemy, sometimes seconded by our own efforts,* are wholly incompetent to interrupt the commerce of nations, or even to disturb, in any material degree, the level that existed in a year of peace and unrestrained communication.

It only remains to state, in a few words, what in my judgment is the remedy adapted to our situation. For the reasons I have adduced, I do not dread the effects of a law directing a return to cash payments at the Bank, after any reasonable interval of time. But I do not wish to urge a remedy which many persons consider as extremely hazardous in its operation. Provided we abstain from all

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* What I here allude to is the fluctuan of our conduct in granting licences. former wars the ports in Holland, and mouths of the Elbe and Weser, were places to which the belligerents reted for the interchange of the produce their respective countries. When these untries were involved in war, and the lence of the belligerents no longer pertted neutrals to navigate the seas, each tion was compelled to trade directly th the enemy by licence. But, instead leaving the market to find its own level, iscrimination has been exercised, a sort effort has been made to regulate the pply, in almost every article of traffic, the board of trade judged the market to over or under stocked. No one so unst as to suspect the motive; but the ect has been to preclude all regularity supply, to induce great fluctuation in ices, and encourage speculations of ery description. It has also given a eat and unfair advantage to the comerce of the metropolis over the out-ports, hose merchants cannot so speedily beme acquainted with the varying resolutions of the board. When they have apied for licences they have sometimes een informed that as many licences had ready been granted as were deemed fficient to supply the demand of the arket; or when they have obtained licences, and conveyed instructions to their rrespondents abroad, they have unirmly found themselves anticipated by e London merchants, whose orders had een received several days anterior. erchants have likewise been induced to xpect profit from the varying views of overnment rather than from a nice adstment of supply to demand. No sooner as a large importation taken place from e Baltic or other parts, than all the ower of the mercantile interest is employed to obtain the withholding of further licences for similar goods, in order to raise the price on the consumer, and benefit the importer at the expence of the whole people of England.

But what appears to me an absolute cooperation with the views of the enemy, is the late refusal to grant licences for the importation of goods from France, and some other parts. The enemy grants no licences for colonial or British produce, and therefore, with a blind spirit of retaliation we say, neither will we admit wines and other articles the growth of France. So to act is consistent with the views of the French government, which seeks to repress commerce, but cannot be consistent with our policy, who seek to cherish and extend commerce. For every article imported from the continent there must be taken from hence some article of correspondent value. No Englishman will become a purchaser, but by an article of less value in his estimation than the article to be sold; each individual buyer is therefore a gainer, and the gain of individuals is the gain of the nation. It is answered true; but goods are not admitted into France, and the importer of foreign goods will carry away guineas. How long are we to be haunted by this most absurd apprehension? If guineas are wanted in this country, they will not quit it to go to France, where they are in sufficient abundance; and if guineas are not wanted in this country, the sooner they quit it the better. If they cannot find their real value in the market, from whatever cause, they will not appear in it; they will be hoarded, or they will pass to other countries to seek a higher value. If hoarded, they are absolutely unproductive; if they go abroad, it is either to return with a profit in some other shape or to pay for objects deemed of greater value. But interference with the prices of things; provided we suffer paper and metallic currencies to find their level in the market, I am content to leave the law as it actually stands. I am convinced that it will be found sufficient to remedy the existing evils, which have chiefly arisen from our own unsuspecting confidence. Depreciation is now sensibly felt. Lord King has afforded an example of resistance to payments made in depreciated currency, and the result of the cases to be judged in Westminster Hall will fully proclaim the old and sacred maxim of our law, that contracts can only be acquitted in the coins of the realm. Men, therefore, will gradually require payment in metallic money, which will bring it back to circulation. A knowledge of the salutary law of the 37th of Geo. 3, c. 32, will be disseminated throughout the country. It will be known universally that every private banker is bound to pay his notes of one and two pounds in money; and demands will be gradually made upon the issuers of private Bank notes for the fulfilment of their contracts. Though the amount now in circulation be not less than twelve millions, it would be absurd to suppose that an immediate demand will be made to the same extent. Many notes will be withdrawn from circulation as they return on their issuers. Arrangements and compromises will take place between the issuers and holders of notes in various ways which cannot be enumerated. Bank of England one and two pound notes will be substituted for a large amount of them. Some may be paid in standard silver, at 5s. 2d. per ounce, conformably to law. A few only will need to be paid in guineas, and a large quantity will actually remain in circulation, whenever it is universally known that a guinea, or its real value may be had for each note on demand. The whole may thus be brought within due limits, with a less loss to the issuers than the profit derived from these very notes during the last two years. This once effected, our course is smooth and easy. The exchanges will experience a very considerable advance; for depreciation is not only influenced by the amount but also by the velocity of the circulation. A note for one pound passing rapidly from one individual to another, and becoming the instrument of many payments, influences prices much more than a note for ten pounds, which less frequently changes its possessor. And so far from neglecting the consideration of the one and two pound notes, as some have done, when the subject has been examined, I believe them to have conduced more to depreciation than the issue of all other notes. As the exchanges shall be found to mend, the Bank may gradually withdraw from circulation its own one and two pound notes and subsequently its five pound notes; when after a due interval, and the exchanges being brought to par, and the Mint price and the market price of bullion

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what is the situation of the country which is paid for its commodities in guineas? The individual who carries them away is remunerated by the sale: but the nation to which he carries them is very little benefited. By an importation of sugar or cotton, the people would have been better fed or better clothed; but by a return in guineas, unless again sent away to purchase consumable articles, no other effect is produced, than a depreciation in the value of money, and an advance in the prices of commodities similar to what is experienced among ourselves from an increase in the issue of paper. Our guineas, however, are now near an end, as is argued. We have only five millions left, and they cannot last long. In future foreign goods brought hither must therefore be given to us for nothing, or ours must be taken away in exchange. Hence it is evident that the best mode of disposing of our own goods is, to encourage all other nations to bring theirs to our market. The commerce of nations is barter; they who sell must buy. But, to pursue this system, it is above all things necessary to leave the market to find its own level, by granting licences either for exportation or for importation, without any limit or distinction. In times of peace the interference of government in the details of commerce is acknowledged to be prejudicial. In times of war, government has also abstained from interfering as long as the belligerents have carried on their exchanges circuitously through neutrals. And now when a direct intercourse is allowed under licences, there can be no good reason why government should assume to itself a more extended interference in the details. Its proper office now as in peace is to consider what are fit articles of import and export, and having made known its resolution to the public, it may safely leave to individuals to regulate their commerce by the wants of the community.

ng equal, the Bank may again resume
cash payments. Nor will it be diffi-
t to take effectual security against
recurrence of similar difficulties, by
pting measures to limit the circulation
aper currency to the payment of great
l wholesale transactions, in which alone
s useful. By restraining the issue of
k notes for sums under fifteen pounds,
private bankers' notes under ten
ands, metallic money will be the instru-
nt of exchange in all the ordinary retail
nsactions of life. It will therefore bear
lue proportion to the paper currency,
preclude much of the danger that
s experienced in 1793 and 1797 from
rm. Not only will the bankers find
ch less difficulty in procuring money
discharge their obligations, but the de-
and will be much narrowed by the paper
culation being chiefly in the possession
the higher orders, on whom the influ-
ce of panic will operate with much less
ce than when paper is spread among
lower classes of society. Unless pre-
utions such as these be adopted, my
xiety to return to cash payments will
much abated; being convinced that if
Bank of England is to be the sole
urce of cash supply to 700 private banks
uing notes without limitation, it will
arcely be found adequate to furnish their
dinary wants, and the first season of ad-
rsity and distrust will draw from it all
e metal contained in its coffers.

I confess I see no difficulty in this course
measures but what arises from the ex-
hequer bills now in the market. It must
the first duty of parliament, on its
eeting, to fund a very large part of them,
nd at the same time pay off the last loan
three millions obtained from the Bank,
order to enable the latter to contract its
sues, without diminution of commercial
iscounts. The public will be indemni-
ed for this payment by the proper use of
s own balances. I never could compre-
end the policy of maintaining so large a
oating debt, liable to return into the ex-
hequer in payment of revenue at the end
four months, whenever by any unto-
ard event, the interest of money in the
arket should be higher than that yielded
y exchequer bills. The object appears
have been to avoid providing for the
terest by taxation, as would have be-
ome necessary, had we funded the debt
the 5 per cents. which once might have
een done nearly at par. Perhaps it would
ave been more worthy of the wisdom of
parliament to have repealed the letter, than to have evaded the spirit of the law. But our situation no longer admits of alternative, and we must free ourselves, whatever be the cost, from this imminent danger. In other respects, I think it will be acknowledged, that the course I have suggested involves neither hazard nor injustice. We shall return to a wholesome state of things by the same steps as we have advanced to our present diseased condition; and nothing will be demanded of any man, except in conformity with his original contract, the benefit of which has long been enjoyed. Concerning the equity of the holder of a note demanding payment of the issuer in metallic money, there can be no question. But, confining our view to the situation of the Bank and private bankers, some persons may be of opinion, that the Bank should first resume its cash payments, before private bankers can be expected to fulfil their engagements. I agree with this opinion as far as regards all notes of *5l.* and upwards. They were issued when the Bank paid in cash, and private bankers had a right to demand cash for a Bank of England note as often as cash was demanded from them for one of their own. But it is not so with one and two pound notes; the private bankers acquired the profitable right to issue them after the stoppage of the Bank, and undertook to pay them in money without reference to any aid derivable from the Bank of England. Besides, therefore, the difficulty, nay, the impossibility of the Bank, immediately on its opening, furnishing cash to all private bankers sufficient to pay the enormous amount of the notes emitted, it would not be just to impose on the Bank the burthen of discharging obligations contracted when cash payments had ceased. It would be leaving all the benefit with one party, and imposing all the loss on the other. Nor can there exist a doubt, that to leave the act of the 37th of Geo. 3, c. 32, to its undisturbed operation, which will reduce within due limits the circulation of the one pound and two pound notes of private bankers, is equally conformable to justice and policy.

To conclude, I protest against this Bill, because it has a tendency to encourage the circulation "of paper-bills of credit, by means whereof debts will be discharged with a much less value than was contracted for, to the great discouragement and prejudice of the trade and commerce of his

Majesty's subjects, by occasioning confusion in dealings, and lessening credit in the realm;" and because the existing laws, duly understood and enforced, are sufficient in themselves to restrain the further progress of the existing evil, and to bring us back to the only just measure of value—a metallic circulation.

Mr. *Paterson* observed that it was not surprising the unfavourable state of our foreign exchanges should make an impression so injurious to our currency; and that as to what his hon. friend had said of the trade of the country with the continent having flourished so much during the last two years, it should be recollected that the mere export of goods could not operate on the exchanges until they were turned into money, and the payments came round. He denied that the increased price of wheat was any proof of the depreciation of paper. That increase had been originally occasioned by a season of scarcity, and it was well known how difficult it was, when a commodity had risen in price from any cause, however temporary, to bring it down again. He considered the measure taken by lord King as an unfortunate one, and as tending to the re-establishment of the old principle of barter, which would be a most inefficient mode of carrying on the present extensive commercial dealings of the country. He admitted that our situation was one of difficulty; we were exposed to a severe trial, but it was not of our own seeking, and we were bound to endure it manfully. The national debt was unquestionably great, but the operation upon it of that powerful engine, the Sinking Fund, was very considerable, and in the event of the restoration of peace, we should soon be lightened from the burdens which now pressed so heavily on the country.

Mr. *Western* said, he was seldom anxious to join in the debates of that House on important subjects, being content to leave the discussion to members of superior talents and ability to himself. The Bill then under consideration was, however, of such peculiar importance, and, he thought, pregnant with such fatal consequences, that he could not refrain from availing himself of some opportunity to express his sentiments upon it, and enter his protest against its passing into a law. He had given the fullest consideration to the subject in his power; he had listened with attention to every thing that had been said upon it in all its previous stages; and he had a clear conviction on his mind, that it was a measure directly at variance with those fundamental principles on which the House had hitherto acted, and which principles, whilst they formed the character of the British legislature, at the same time constituted the foundation of our national prosperity and happiness.—Mr. Western said, he most earnestly wished the House would pause, and consider what were those principles that had governed their conduct in all legislative enactments? In the first place, a most scrupulous and sacred regard for the rights of property, an invariable abstinence from all interference in private concerns, or contracts of every sort formed between individuals, inviolable preservation of good faith, and constant attention to avoid giving to laws any retrospective operation. The measure before the House proceeded in defiance of all those principles, indeed actually subverted them all. It infringed the just and legitimate rights of property. It violated the obligation of all contracts entered into between debtors and creditors, and its operation was altogether retrospective. The Bill provided, in the first clause, that persons being in possession of the legal coin of the realm should not be permitted to part with it at its real value; that such property should not be suffered to find its true level; in the next place, that persons being possessed of the notes or bills of the Bank should not part with them in such manner as they thought most conducive to their own interests; in other words, that Bank-notes should not be paid or received for less than their nominal value, and that guineas should not be paid or received for more than their nominal value, when exchanged with such notes. Independent of the gross injustice of thus invading the right of the people to dispose of their property as they think fit, was there any thing so preposterous as to attempt, by an act of parliament, to determine the value of a promissory note, or any other paper security? That value could alone depend upon the opinion of mankind, and the confidence reposed in the promise expressed upon the face of such note. The paper had no intrinsic value in itself; its value was in the belief entertained by the people that the Bank, which issued such securities, were willing and able to make good its promises. Not less absurd was it to pretend to enact, that gold should not find its true value. No human power could prevent it; paper

s and gold would find their level, in
of all the acts of parliament that could
assed. This Bill was said to be intro-
ed in consequence of an opinion de-
ed, that Bank-notes did not now pos-
a real value equal to their nominal,
a demand therefore made by a creditor
e paid, pursuant to his contract, in the
l coin of the realm, or in Bank-notes
al in real value to the sum due in such
d and lawful money. In considering
provisions of this Bill, he would wave
n moment the dispute about the value
Bank-notes, and would ask the gentle-
opposite whether they would not
ait that it was at least possible that
k-notes might be depreciated; that
r real value might sink below their
ninal? He was sure they could not do
erwise than admit the possibility of such
ase, and he would therefore suppose
h an event to have actually happened.
would suppose an excessive deprecia-
to have taken place, such as rendered
fact indisputable, manifest to all the
rld, allowed equally by debtors and
ditors; in such a situation of things,
would suppose, what was not very im-
bable, an amicable agreement to be
ered into between debtors and cre-
ors, and the debtors willing to pay their
ditors (in the absence of gold coin) de-
ciated Bank-notes according to their
l value, so as to make an equivalent for
sum they owed in the legal coin of the
antry. He would then put it to the
ht hon. gentlemen opposite, and he
uld put it to the House, to consider
ether it could be really their intention
pass an act of parliament that should
ke such debtor and creditor guilty of a
sdemeanor, and subject to the penalties
achable thereto. He could not have
ieved that the House would have enter-
ned such a proposition for a moment;
d yet, if that Bill passed into a law, such
uld be its effects.—Mr. Western then
oceeded to examine the alleged fact of
nk-notes being already depreciated,
d declared, that he was fully convinced
at such was actually the case. It was
torious that a traffic had long been car-
ed on in the interchange of Bank notes
d guineas, and that guineas were worth,
the time he was speaking, six or seven
d twenty shillings each in Bank paper.
is was, indeed, admitted; but gentle-
en said, this traffic was carried on only
jews and pedlars. That might be so;
at he did not see how that altered the case: the difference of value was just as strongly proved as if the traffic had been entered into by other persons; but he was confident it had become pretty general, and that the superior value of guineas, in respect to paper, was so well understood in the country, that no person, having possession of guineas, to any material amount, would exchange them for paper, without requiring a premium for such exchange. A respectable country tradesman had told him the other day, that he had a little time ago come into possession of a sum of money in guineas, as executor and trustee to a friend; that finding this property in gold, and knowing, as all the country knew, that a guinea would exchange for more than a one pound note and a shilling, he felt it to be his duty not to part with these guineas at less than their real value, and they accordingly produced at the rate of five or six and twenty shillings in Bank notes for each guinea. This circumstance he mentioned to shew not only that the difference of value existed, but was generally known and admitted throughout the country; still it was contended, that this was no proof that Bank-notes were depreciated, that they would purchase commodities just as well as usual. It was said this was only an artificial depreciation of paper, or that, in other words, gold was artificially dear. He could not any way understand what was meant by artificially dear or cheap; but if the fallen value of paper in exchange for gold was not allowed to be a depreciation of paper, let it be examined whether gold had risen in value, and in order to determine that point, try it in the exchange for other articles, and particularly with those which would afford the truest test, namely, articles of primary importance and necessity. This comparison had been most ably and fully gone into by an hon. gent. who had preceded him in the debate, (Mr. G. Johnstone,) and he had most unanswerably shewn, that gold had not advanced in price as compared to these articles; so far from it, its value had been excessively diminished. It would not command by any means the same quantity of goods, it would many years ago. All persons having fixed incomes, felt most sensibly the truth of this assertion; and if they felt the diminished power of their incomes some time ago, how much more must they feel it now that the paper currency in which they are paid has suffered so material a diminution of its value below that of gold,

which itself had lost a considerable portion of its former power. To illustrate this fact, he had likewise referred to the prices of corn for a number of years back. It was not the price of corn however only; other articles had preserved an equal ratio of advance; but the price of corn was more easily referred to and ascertained. Taking the average price of wheat from 1786 to 1797, which would be found to be fifty-two shillings per quarter, a pound of gold, or forty-four guineas and a half, would command at that time eighteen quarters of wheat. In 1806, upon the average of five years, wheat, at seventy-shillings, and gold bullion at four pounds two shillings, a pound of gold, or forty-four guineas and a half, would command only fourteen quarters; and on an average of the last five years, wheat being eighty-five shillings, and gold bullion four pounds seven shillings per ounce, a pound of gold would command only twelve quarters and two bushels of wheat. Thus it appeared that gold was greatly diminished in value, when compared with wheat, though advanced, when compared with Bank paper. Its powers, reduced in the command of wheat, increased in the command of notes, and yet, with these facts before our eyes, it was to be contended that this Bank paper was not depreciated. A right hon. gent. (Mr. Rose) had said, that this dearness of wheat and other articles arose from other causes, and that an equal advance in price had taken place in France and other countries. That was very true, and it added confirmation to his, (Mr. W.'s) argument, that gold was not dear; on the contrary, that as well in other countries as here, it was diminished in value, when compared with other commodities.—Mr. W. further argued, that this increased price of all articles of necessity, had gone on with much greater rapidity since the year 1797, when the Bank stopped payment of their notes in specie. In twelve years prior to that time the price of wheat had advanced per quarter eight shillings and sixpence; in twelve years, since 1797, the price of wheat had advanced thirty-two shillings per quarter. This rapid advance of the price of wheat comparatively with the first period, was in fact neither more nor less than a rapid depreciation of our paper currency; at least it afforded of itself, he thought, indisputable proof that Bank notes were materially fallen in value; and upon the whole, the question appeared to him so clear, that he was astonished it could admit of argument at all.—Mr. Western then, in taking a further view of the Bill, said he was surprised to find that by many gentlemen it should be represented as applicable peculiarly to the case of landlord and tenant; that was by no means the case, it was applicable to all debtors and creditors of every description, and alike, in all cases, sacrificed the creditor to the debtor. It certainly, in that relation, was applicable to landlord and tenant, inasmuch as the landlord, having granted a lease, was the creditor of the tenant; but such landlord was, of all creditors, the one who would the least suffer, as in process of time the lease would fall in, and he would again acquire possession. But a great proportion of land-owners never granted a lease at all, which he was sorry for; and thought, after that Bill passed, they never could safely do so again. He doubted no that nearly one-half of the landed proprietors of the kingdom never granted leases; others there must be, whose leases were about to expire. All those persons would be rather benefited by the operation of this Bill. They might le their estates according to the real value of the currency they were to be paid in, and pay their creditors according to the nominal. Many there were, no doubt, who had debts and mortgages upon their estates; and in such case the mortgagee or other person having a charge upon the estate, would be the eventual sufferers and, of course, in exact proportion would the land-owners be the gainers. It was not then the case of landlord and tenant: it was the case of debtor and creditor. It was the creditor of every description who was to be deprived of his rights by this Bill; but most of all those who had fixed incomes; all annuitants, mortgagees, or persons having rent-charges of every sort; all officers of the state, and officers of the army and navy, were likewise in the same situation. These persons were suffering by the reduced value of this paper currency, he firmly believed, to the extent of nearly one-fifth of their income. Other persons having land out of lease, or commodities of any kind to sell, did not suffer at all, for they might and did ask for their land and their commodities in proportion. It would be well, then, if they would a little more consider those who have fixed incomes. How long it was desirable this state of things should be wed to continue, he could not pre- l to say. Lord King had thought it ld be better for the community to e a stand at the present moment. ere were many persons said he was emely wrong in bringing the question issue now; there were others who ght he acted wisely in so doing. ether he was right in the determination had come to, or was mistaken, sure he r. Western) was, that his motives were st upright and honourable.—Mr. stern again adverted to the provisions he Bill, and argued that they were in degree calculated to meet the case ich was said to have given rise to it. e demand made by lord King upon his ants was pretended to have induced the ption of this Bill; but this was a mere etence; the real object was to prevent, possible, the further interchange of nk-notes and guineas, which, whilst it ntinued, manifested too plainly the fallen lue of the paper. As to the tenant, he s in no degree whatever relieved by s Bill; he was in a worse situation than fore. His landlord, it was true, could t distrain upon him, but no landlord uld proceed in that way; he would e his remedy by action or ejectment, ich was still open to him precisely the me as before. Suppose this Bill had t been brought forward, or should not ss, a tenant might, if he chose, make an rangement with his landlord, and pay n in notes at their real instead of their minal value; and if the depreciation of tes should increase, and the fact become vious and acknowledged by them, any would be very glad to do so; and they had money out at interest, would ake a similar agreement with their btors; now if they did so, they would cur the penalties of this Bill. Gold they uld not get, and they would then be aced in the curious predicament of hav- g only to chuse the alternative of eject- ent, or becoming liable to punishment r a misdemeanour, perhaps standing in e pillory, for doing that which a sense of hat they considered their own interest, d justice to their creditors, equally ompted them to do. Such were the ex- aordinary provisions of this unprece- nted measure. He would not further tain the House, though there were other pics connected with it to which he ished to advert; but must repeat his inion, that, in the adoption of such a ll, the House would depart from all those principles which it had hitherto made the paramount rule and guide of its conduct; that they were about to infringe the just and legitimate rights of property, to violate all contracts between individuals, the protection of which had hitherto been deemed the sacred duty of parliament, and to attempt to do that which no human power could accomplish, namely, to govern the opinions of mankind, and force them to affix a value upon articles different from what in their judgments and estimation they did possess. He thought himself, therefore, warranted in saying, that such an act would degrade the character of the British Legislature, and shake to their very base the foundations of our national credit, happiness, and prosperity.

Mr. *Rose* contended, that it had been the policy of the country for centuries, to prevent the coin of the realm being sold. The Bill, therefore, far from infringing the rights of the subject, did but enact what had long been understood to be the law, and what, if not the law, had been intended to be the law. With respect to what had been said of its protecting the debtor against the creditor, he observed it was only intended to protect the tenant against charges which might be made, but could not be equitably made. The tenant, it should be remembered, if he charged a higher price for the produce of his lands, was obliged to pay a higher price for every article he consumed, and therefore it was doing no more than was right, when they protected him against such charges. It was too much to say, that the example of lord King would be followed by no one else whose motives were less honourable than were those of his lordship. The advance in the price of wheat was, in a great measure, to be ascribed to our corn laws, which had laid on it three or four and thirty per cent. within the last 15 years. It was the duty of parliament to protect the tenant, not against lord King, but against the merciless landlord who might distress him to gratify a mercenary disposition. The price of gold was four pound per ounce at the beginning of the last century. It had been at the same price within the last two years. It would be found by a table in the Philosophical Transactions, left by the late sir G. Shuckburgh, that the prices of most articles were more than doubled since the first mentioned period. Thus it would be seen, while other commodities doubled their prices, gold remained stationary. Our imports had been greater than they

ever were before in the last two years, with this circumstance attached to them, they had been made in foreign ships. This, combined with our foreign expenditure, was a most serious consideration. Our exports, when the expences of freight, &c. were taken into consideration, would be found to have been made under circumstances which had never existed before. They might appear from the custom-house books to be what his hon. friend had stated them to be, but there were certain considerations which ought not to be overlooked. In the first place, a large portion of our exports were confiscated, and of course not one shilling had been derived from them, Others had been burnt, and on some of those which were neither confiscated nor burnt, heavy duties of 40 or 50 per cent. had been imposed. Those which had been sold, having escaped the confiscation, the conflagration, and the enormous duties he had mentioned, had not always been paid for. There were instances of merchants having drawn bills on their correspondents, who were known to be solvent, which were ultimately returned on the drawer from there being no way of escaping the tyranny which prevailed on the continent of Europe. These deductions were to be made from the profits of our exports, and these might account for the country being drained of its gold; as while this system was acted upon by the enemy our merchants were religiously scrupulous in making their payments good. Could any man, after this statement, be surprized at the state of the exchanges, or wonder at the absence of gold. It had been proposed to establish a new Bank, but the party who suggested this idea had also proposed that it should not be obliged to make its payments in gold. He saw no advantages likely to result from such an establishment. After the investigation which had taken place into the affairs of the Bank in 1797, when it had been found there was in the possession of the company a surplus of fifteen millions above what they held in trust for the public, he thought the Bank a safer deposit for the money and paper of individuals than any other that could be named. The paper circulation was better left in the hands of the Bank company, than placed at the disposal of any other body. The unfunded debt had been spoken of as becoming most injurious to the country. He had to state, that the interest of it was now three-
pence farthing a day. Some time ago, i
was three-pence halfpenny. From this i
would be seen that that was not becoming
a very heavy burden. It was obviou
that the ruler of France now directed hi
greatest efforts against our finances. Thu
situated, no one thing could be so inju
rious to the country as neglecting to keep
up the credit of our paper. How far thi
would be done by the present Bill he di
not know; but that it would have that ef
fect in a considerable degree he had n
doubt, and with this feeling he heartily
concurred in the measure.

Mr. *Wilberforce* said, that while h
agreed in certain points with those wh
supported the present bill, and concurre
in others with those who opposed it, ther
were at the same time, other views of th
question in which he had the misfortune t
differ from both sides; and first, he wa
ready to admit that while such apprehen
sions were afloat in the public mind i
consequence of the conduct that led t
this discussion, the government mus
have felt the adoption of some expedien
to prevent great general distress and con
fusion indispensibly necessary. Of th
conduct that compelled the governmen
to resort to such an expedient he wa
willing to say little, but this much h
could not well avoid saying, that of all
others he should have least expected, tha
a noble lord of the high rank, finished
education, and just pretensions of lord
King, would have thought it wise and fi
to resort to such an experiment. He wa
ready to make every allowance for th
good intentions of the noble lord, but th
noble lord was bound to have reflecte
that a variety of persons in an humble
sphere of life, and whose sole motive wa
the sordid one of gain, might be gla
hereafter to shelter themselves under th
high authority of the noble lord, an
push his example to the extent of a mischievous and criminal abuse of it. Such
men might talk very profusely about political economy, while they had nothin
else but private emolument in view.
Under such circumstances, therefore, i
became the bounden duty of the govern
ment to do something, and so far he agree
with the supporters of the bill; but whe
these gentlemen would go farther, and in
stead of looking upon it as a temporar
expedient to gain time, '*Spatium requ*
'*emque doloris*'—when they would re
present it as more than this, as somethin
that could permanently counteract depr

ion, then indeed he thought it but fair say, that his support of the measure grounded in no such expectation; t he looked upon it merely as a tem- ary expedient, which extreme urgency rendered indispensible, and that as h he gave it his support.—In adverting he Bank Directors, he did not see that ad been clearly made out, though so en and unfairly asserted, that those ntlemen actually derived any material fits from the increasing profits of the nk.—With respect to the immediate ects of this bill, in defending the tenantry the country from the mischievous con- quences it was provided to guard, against thought that so far the bill would be npletely effectual. The evils which ght otherwise ensue, came so home to n's business and bosoms, that it was im- ssible to hesitate to provide against ir occurrence. In looking dispassion- ely at the nature of those evils, it was possible not to see the necessity of con- lting in every department of the state, far as it was possible, the principle of wise and general spirit of economy. At e same time he admitted, that the ad- nistration, be they who they might, ho were charged with the defence of e country, might feel it impracticable nscientiously to retrench those expences hich were resorted to in the prosecution that great object. In concluding, he verted to the menacing aspect of affairs America, and deplored the gloom that as spreading over the Western horizon. e trusted that the misfortunes of a new ar were not to be aggravated by a contest etween two nations who might be said to e the common children of the same fa- ily, and participating as brothers in the heritance of the same common liberty. He concluded by stating that the bill, as r as it went, should have his full support.

Lord *Cochrane* said, that had not every rgument been used by the gentlemen, ho had spoken, during the different tages of the present bill, that was likely be urged either for or against the mea- ure, and likewise in a similar debate on e Bullion report, he should not have resumed to trespass on the notice of the House, upon a question so foreign to his ursuits as one of finance, or political conomy. But as the defects of the de- reciation of our currency appeared to im to have been alone dwelt on, or the riginating causes traced no farther than an excess in the issue of paper by the Bank, which was occasioned by the manner in which the war was conducted, to this subject he should confine the few observations he intended to offer, under a firm conviction, that no expedient like the present could produce a permanently salutary effect. Topical application could no more cure an aneurism of the heart, than propping up the branches could arrest a decay, in the root, which was the more dangerous, like in the present instance, if its progress remained unnoticed.

The heads, which he proposed to touch on were first, Our commercial relations with powers in amity, and the drain of silver and gold by the licensed trade with our enemies. Secondly the extraordinary supplies sent abroad for the pay and maintenance of our armies; and thirdly, injudicious subsidies.

Respecting our commercial relations with Portugal, Spain and Sicily, which are the only countries where British manufactures are admitted on any terms, he contended that the gain of British merchants in these glutted markets is derived, not from an advantageous barter, but from the unfavourable state of exchange, which enables our merchants to dispose of their goods at or even under prime cost, and yet derive an advantage of from 25 to 33 per cent. out of the pockets of their countrymen, simply by carrying the bullion which they thus collect, to the English commissaries who furnish them with bills, on government, at that ruinous discount.

The unfavourable state of the exchange against England could be altered only by reducing our military establishments in foreign countries, which might be effected, with advantage to our allies and ourselves, simply by suffering the people in whose behalf we pretend to be contending, to feel an interest in the cause we call their own, instead of wasting our means, and lavishing our treasure in support of their despicable and tottering governments, which will inevitably fall the moment we withdraw our military forces. He said that the profligate waste of our means was in no instance more glaring than in the maintenance of an army under the pretence of defending Sicily against the French, but in reality to keep the people in subjection to the most weak, wicked and oppressive tyranny which existed under Heaven, whose absurd imposts rendered a whole people wretched and poor, in the midst of the most fertile country, once the granary of Rome, but now, owing to the corn laws, scarcely producing food for its thinly scattered inhabitants.

The expence of our troops he said was not the only drain which carried our treasure to Sicily, to which nearly half a million went annually under the title of a subsidy, and under the pretence of paying for services not one of which were performed, as his Majesty's minister had thought proper to deliver our money into the hands of the Neapolitan counsellors, who govern the queen and betray our interests to the enemy. He could not help remarking upon the extraordinary nature of the assistance we afforded, by defending Sicily against the will of its government, and the government against the will of the people, by both of which parties we had made ourselves so detested, that each was ready to receive the French as their deliverers.

What reason, he asked, could be given for pursuing such a line of conduct? Did ministers imagine that their administration of affairs would benefit by a comparison with the corrupt government which they were struggling to uphold. The tyranny and vices of the Sicilian government, however, were so abominable that it would—

The *Speaker.*—Does the noble lord conceive, that an inquiry into the errors of the Sicilian government can be justly said to bear on the present question, according to the known usages of the debate? I was unwilling to interfere as long as the noble lord was pleased to keep within the widest limits prescribed by the ordinary rules of debate.

Lord *Cochrane* said, that he should wave the farther explanation he was about to give of the internal state of Sicily, which certainly was no farther connected with the question, than by occasioning enormous expence to us, instead of making it worth the people's while to defend their own island and government; in doing so, he presumed, however, that it was not intended that he should abstain from mentioning, that in addition to the treasure sent to Sicily, for the purposes he had already mentioned, one item alone of the extraordinary expence of our army amounted last year to 180,000*l.*, he meant the repair, equipment, and pay of gun-boats at Messina, which the Sicilian government was bound to furnish out of the subsidy; a fact which he thought would scarcely be credited, when the House should learn that we actually paid rent for the royal arsenal, to refit them in at our own cost. Having been there lately he could vouch for this fact, which was consistent with the rest of our conduct.

His lordship asserted that our affairs in Portugal were not in a more favourable state, and the minds of the people were equally averse to the cause which we support, he meant that of their corrupt government. In Portugal it could not be pretended that we had any scruple, as to interfering in the internal affairs of the country, we had actually several voices in the regency, and yet we used our influence to no good purpose. He stated that he had made a calculation when at Lisbon, and found that each individual in our army, which was occupied in upholding this state of things, actually cost this nation the sum of ten shillings and three pence per day, including the attendant naval establishment. This was one of the real causes of the depreciation of our paper and the disappearance of money. It was his Majesty's ministers, and not such men as De Yonge, who sent the coin out of the kingdom in the vain hope of contending in pitched battles, with the resources to be drawn from 49 millions of people.

He was convinced that with half of our naval means, and one tenth part of our army judiciously directed, we might reduce the efforts of Buonaparté to measures of precaution and defence, and compel him to occupy the force, with which he was now subjugating Portugal and Spain, in protecting his own shores, which we might threaten from the Baltic to the Adriatic sea, and thus oblige him to provide a force every where equal to that which we could direct to a single point, and which if he should neglect, his commerce and maritime towns would be at our mercy. Another advantage is obvious, the whole of this force must be paid by France, and not, as now is the case, maintained at the expence of our allies.

No individual existing could claim merit for this obviously judicious mode of conducting war by a maritime state. He would advise his Majesty's ministers to read the first oration of Demosthenes, which if they ever had done with the attention of statesmen, they could not unintentionally have brought our affairs to their present condition. Our naval superiority was at present totally thrown away we had no force employed to occupy the enemy by desultory movements; one army remains fixed in the centre of Portugal, the

er ingloriously waits on the shores of
ssina, until the French shall find it conve-
nt to attack them, having completed the
jugation of the Continent. Might we
take a lesson by the effect which a
eat of invasion produces on our mili-
y measures? Do we not all remember
mighty preparations made and the ex-
nse incurred in guarding against inva-
n, though only a limited portion of our
res could possibly have been assailed
the enemy's contemptible flotilla?
oops and artillery were brought from all
ts to that spot. What then would have
en our situation, if the whole extent of
shores had been menaced in like
nner? If Buonaparté had a naval su-
riority and only 5,000 troops at his dis-
sal, on what part of our shores could we
ep in safety? Ten thousand men, kept
constant readiness, under an able gene-
, would excite more uneasiness in France,
hough they never put a foot on the
res of the enemy, than all the military
eans of England, disposed of as it is at
esent by his Majesty's ministers. He
peated that 10,000 troops, aye half that
mber embarked in a squadron under a
val officer of judgment, unfettered by
ders, guided only by circumstances, by
e state of the wind, or by any thing but by
s Majesty's ministers, it would be possi-
e [Here his lordship was interrupted by
lls to order, and he was informed by the
eaker that if he persisted in his present
urse of argument he would incur the dis-
easure of the House.] Lord Cochrane
id he merely wished to shew that our
resent expense was useless, which would
early appear to the House if they would
ke the trouble to inquire into the subject.
e considered the waste of the public
oney in the way he was proceeding to
oint out, to be the real cause of the de-
reciation which they were discussing.
e had no motive in view, but the interest
f his country. His standing in the navy
endered it impossible that he could have
view to be employed in the manner he
ad pointed out. He declared before
od and upon his honour that if the gentle-
en opposite who had called him to order
elieved that he had any private object to
rve, they were mistaken.

As he was not allowed to proceed on a
bject which, if not strictly connected
ith the present question, yet was of im-
ortance to the interests of the country, he
ave notice that he would take an early
pportunity to call the attention of the House to the way in which the war had been conducted. He should then be prepared, he thought, to shew that the depreciation of the paper and the deficiency of coin had their origin in those causes which he had been prevented from noticing more fully—to wit, the profligate way in which ministers waste the resources of this country.

Mr. *W. Taylor* was of opinion that the present measure, if not a cure, would be found the best palliative that could be applied to the existing evil. This was not denied even by those who were loudest in asserting the depreciation of the Bank note, and he should therefore vote for the Bill.

Mr. *Herbert* considered the Bill as likely to be much more dangerous in its effects, than that practice which had caused it to be introduced, and which had been spoken of as tending to destroy all the bonds of civilized society. After some observations on its probable effects on the country banks, he concluded with observing, if they were obliged to pay in cash, instead of its being a disadvantage to this country, it would be the means of keeping within it the money which was now sent to France for her produce, and he was convinced that France would be obliged to send her produce here, and take our manufactures in exchange.

Mr. *P. Moore* said he should detain the House but for a short while upon some points which did not appear to him to have been touched upon before, and if, when he came to those points, the House disapproved of his proceeding, he would sit down. In his opinion this question should have been left untouched by the House, whether the paper was depreciated or not, while the public did not murmur. He regretted much that his right hon. friend next him (Mr. Sheridan) did not take up the subject, as he would much rather have attended to him than undertaken the task himself. The Restriction Bill in 1797, like the present Bill, was declared to be temporary; but how many temporary measures had, in the most insidious manner, been converted into perpetual measures? It had been renewed from time to time, till we had got the present length, and till we did not know how to turn ourselves. He hoped the House would indulge him till he traced the steps by which the country had got into the present difficulties. He then went into a history of the several renewals of the Restriction Bill. The Bank, however, had come forward, and stated their willingness to have the Restriction Act repealed. This was stated in a report to the House, which was presented by an hon. gentleman of the name of Bragge; and he remembered it had been said then by a right hon. friend behind him (Mr. Sheridan) on the proposal of the Bank not being agreed to, that Brag was a good dog, but Holdfast was a better. He said there had been a system of fraud practised on the public mind ever since 1793, not by any particular administration, but by all administrations. He had no hesitation in saying, that 36 millions of specie were to be found at present in this country; it was nonsense to talk of the ship-loads of gold sent off to the continent.

Mr. *Sheridan,* adverting to the mention made by his hon. friend of a foolish joke which he had used when the Restriction passed, observed, that the joke had been remembered better than the application. The Committee for investigating the affairs of the Bank, with Mr. Bragge at its head, reported the willingness of the Bank to pay in cash, if political circumstances would allow it. Upon which, Mr. Pitt applauded the Committee and the Bank, but said that political circumstances would not permit the resumption; and it was on that occasion he had said, that Brag was a good dog, but Holdfast was a better: not, however, approving the conduct of Holdfast, but quite the contrary. His honourable friend, who had made such an able speech, had expressed his wish that the House should hear him (Mr. Sheridan); this was somewhat surprising, because his honourable friend knew that he differed from him totally in opinion. Before he could be convinced that parliament ought not to interfere on the present occasion, he must also be persuaded that a change of system would not put an end to the means of supporting the great contest in which we were engaged, nor disturb the whole commercial arrangements of the country. Could any thing be more unjust than to compel the public creditor to take Bank notes, and yet leave it in the power of others to refuse them in payment from him? He, himself, had for four years encountered Mr. Pitt, and proposed resolutions as to the state of our finances, in which he had been followed by others. Upon these, Mr. Pitt had been in the habit of proposing amendments. The great difference between them was, as to the expenditure which would be necessary in time of peace, he contending that it must be 17 millions, while Mr. Pitt affirmed that $15\frac{1}{2}$ millions would be sufficient. Every one would have thought it extravagant to suppose that the country could support an income much beyond the highest of these sums, yet now the country supported an expenditure of 70 millions, without the slightest symptom of severe injury. No one in walking the streets of this metropolis could suppose that its wealth and luxury had decreased; though he lamented the distresses of the manufacturers and others, arising from a different cause. This had taught him not to be so confident with regard to financial predictions; and he was amazed at the warmth with which both sides, without much personal interest in the question, supported their several opinions, and with what confidence each side asserted that it was in the right. But party-feeling had run high on this subject (Hear! hear! from both sides). If he had wanted a proof that he was correct in what he had stated, he had it now (A laugh). Every one was full of his own theory. If the noble lord whose conduct was said to have given rise to this Bill, had not written a book on the subject, he never would have thought of distraining. The present Act, he believed, did no more than what was just and proper under the present circumstances. He hoped yet to see the day when the difficulty would be done away, and the Bank enabled to resume payments in cash; but that must be under different circumstances. He could not risk the measure of fixing a time for the resumption and altering the system in our actual situation. But even the disappearance of gold was a proof of the great credit of the country. In other countries they must have gold because the public credit was small. Upon the whole, he thought it too perilous to alter the system at present, when the fate, not only of this country, but of Europe and mankind was at stake.

Sir *Francis Burdett* was convinced the bill proceeded on the erroneous notion held out by a noble lord in another place, that any thing would answer for a measure of value as well as gold. But what rendered gold peculiarly fit to be a measure of value, was its intrinsic value in exchange among all nations, and to pretend by any act of parliament to make a thing of no intrinsic value, equally acceptable

gold, or paper convertible into gold,
one of the vainest notions that ever
red into the head of man. The mis-
f did not arise from lord King, but
the excessive issue of paper. Bank
s had been issued, not according to
wants of commerce, but the wants of
ernment. This bill would be no re-
There could be no remedy while
present lavish expenditure was con-
ed, because the bank could not dimi-
its issues. Gold could not be kept in
country in such a state of things—and
could, it would be of no use, for it
ld only operate like so much addi-
al paper. It was a good enough argu-
nt, certainly, that the landlord should
deprived of the power of seizure in the
instance; but the bill went to inter-
with private property, and to violate
contracts, while it must be perfectly
gatory as an expedient to arrest the de-
ciation. But his chief object in rising,
s to say a few words with regard to the
e of lord King. That noble lord had,
m the beginning, ability and integrity
ugh to endeavour to point out the mis-
ef which would result from this sys-
n, and to attempt to stop its progress.
eing no end, however, to the destructive
urse pursued by the government, he
ught himself justified in saving his own
operty, which he had derived from no
ge salaries nor public plunder of any
d. The government now, however,
s resolved to take the management of
estate out of his hands, and therefore
pported this bill. With regard to the
sertions of the bank directors, that they
d but a small interest in the bank, he
s sorry for it; he had rather their
hole property had been in the bank.
eir command of money from their situa-
n, would give them a very undue in-
ence over whatever other concerns they
ght be engaged in. His suspicions of
em, therefore, were rather increased
an diminished. The government and
e bank had now become partners—the
inisters accommodated the merchants
th exchequer bills, and the merchants
commodated the government with loans,
that among them the whole had been
nverted into accommodation paper. The
n. baronet then ridiculed the notion of
treasurer of the navy, that the loss of
r gold proceeded from the state of our
mmerce, of the exchanges, and of the
ntinent. It was impossible to believe
s, when we saw other countries in our situation, with plenty of gold. The whole of this difficulty had been distinctly foretold long ago, by writers on this subject, who were called speculatists, because they happened to see further than their antagonists, and had eyes with speculation in them. It had been foretold that our system would go on more slowly than that of other nations, because they issued to the amount of all their capital. But we were in the same road, and had gone too far, perhaps, to recede. Instead of temporary expedients, the ministers ought to look the evil in the face, and adopt some fixed plan of proceeding. Their maxim, however, was "sufficient for the day is the evil thereof," and indeed, it was of no great consequence, for the system must go on till it extinguished itself.

Mr. *A. Baring*, in reply to the observation of the hon. baronet, said that the bank directors certainly made no corrupt use of their influence, nor could they, without injuring their character in society. If the hon. baronet had any charge to make against them, it would be more manly and candid to do it directly, than to deal in suspicions and insinuations. He agreed with the member for Yorkshire, that this bill was a palliative, and not a cure for the disease. The only cure was to reduce the expenditure, which would enable the bank to reduce their issues. Another remedy, though an unpalatable one, was further taxation, to bring the receipts and expenditure nearer a level, instead of going on continually with a system of loans. Adverting to the plan suggested by the hon. and learned gent. (Mr. Brougham) of cutting off a third of the debt, and putting an end to a part of the dividends, he observed that this might answer very well, if the landholders and others were to contribute in equal proportion. But this was too violent an expedient, and could not safely be resorted to. He saw no ground for the despondency with which some gentlemen appeared to regard our financial situation. If the supplies and expenditure were equalized, the operation of the sinking fund would free us from our embarrassments: and he suggested that some taxes would bear augmentations, since by the depreciation they were not now paid at so high a rate as they were three years ago. When it was considered that the funding system was one of which the efficacy depended upon intervals of peace, and that we had been at war for the last

18 years, it was surprising that the country supported its exertions so well. No one who travelled through the country could believe that it had been reduced by its efforts. On the contrary, he would rather be apt to say, that in the last 20 years it had flourished more than at any other period. For the present he thought that bank notes ought at once to be made a legal tender; and he would himself have proposed this, had he not been sensible that some previous steps ought to be taken to secure public confidence in these notes. This, he thought, might easily be done, though perhaps it was too late to attempt it in the present session.

Sir *S. Romilly* hoped the House would indulge him for a few moments while he stated the reasons that induced him to vote against this bill; and he rose thus late because he had been anxious before he spoke, to hear the opinions of some other members of his profession, especially those connected with the government, upon a subject so important—a bill deserving their attention more than any that had passed that session. It was an *ex post facto* law, altering the state of all contracts that had been previously entered into. The necessities of the state might possibly require this, but such was its effect; and that it particularly deserved the attention of lawyers no one could deny. The hon. gentleman on the floor (Mr. Bankes) had expressed a hope—a hope which had been sadly disappointed—that it would be distinctly stated how the law stood at present before an alteration was made in it. Nothing could be worse than leaving men in doubt of what the law was, and leaving the matter entirely to the discretion of the judges. He had heard such language on this head as filled him with astonishment. One of the bank directors had said that the law would be too strong for those who attempted to demand payments in gold, and a noble lord (Castlereagh) had expressed his confidence that the energy of the judges would prevent the success of any such attempts [Lord Castlereagh signified that the honourable and learned gentleman was mistaken.] If he had mistaken the noble lord, he should be better pleased to apologize for it than to have to answer such an argument. It was their duty to make prominent the defects of the measure, that it might be explained and corrected by the legislature, instead of leaving it to subordinate public officers to alter the law by some new practice. Nothing was more to be deplored than such a mode of proceeding. It was extremely desirable that they should ascertain wha the law actually was, before it should b altered, and shew the way in which i would operate, as there might be many cases subject to it which the supporter of this measure never had in their contem plation. Leaving the financial part o the question to others, he should confin himself to the legal part of it. He under stood the law at present, to be, that if an one was arrested and tendered the amoun in bank notes, he was immediately entitle to his discharge. This was wise, for thought, or at least it was an opinion tha might very well be entertained, that n one ought to be arrested at all on mesn process. It was a thing peculiar to ou law, and no doubt was often convert into an engine of oppression. Person swore to their debts, arrested their a ledged debtors, who in many instance might find it difficult speedily to procur bail, when it often turned out on the tri of the action, that there was no debt a all, or at least that the debt was trifling But at any rate it was wise to free th person from arrest, upon the tender bank notes, when gold perhaps could n suddenly be procured. But if the credito had a judgment, he could compel the debto to pay in gold. There could, he appre hended, be no doubt on that subject. If h were to levy from the goods of his debto he must sell them himself, and the sheri probably could get nothing except ban notes. But he would not take th course; he would proceed against th person; and what judge could preven him from taking his legal remedy? H might shut up his debtor in gaol, perhap for the remainder of his life, unless th legislature were to adopt one of thos violent measures which they had latel been in the habit of resorting to; h meant an Insolvency Bill. The only r source of a prisoner in this situation wa to send a larger amount of Bank-not into the market to purchase gold. Th was hard, but it was a great deal harder force the debtor to remain in confineme by forbidding him to purchase that whic was necessary for his liberation. Y such would be the effect of this bill. Th debtor had but one resource, and of th they were about to deprive him; and th too by a law purporting to be passed favour of debtors. He was far from sa ing that the law was good as it stood; b rder to be consistent, his right hon. ad the Chancellor of the Exchequer nt to make Bank notes at once a l tender.—By this law, in all cases re the creditor had the power of disning, that power was taken from him, tender was made in Bank-notes. Now, remedy of distress was the last which person desirous of payment in gold ld resort to. He would have recourse his action of covenant, or to an tment. If he distrained, he would e to sell the distress, and probably d only get Bank notes, which would answer his purpose. The effect of bill, therefore, would be to relieve the tor from that hardship only, to which, ll others, he was the least liable to be ected! Many had old rent charges, how would they be affected by this ration in the law? A man with an es- of 1,000*l.* a year, has three sons; he ises the estate to the elder, with a rent rge of 200*l.* a year to each of the er two sons. The estate of the elder reases three-fold in value; and it ld surely be worth more consideration n appeared to have been given to this , whether the other sons should be npelled to take payment in Bank notes. case had been brought under his own ervation, where a man, twenty years , made a lease of twenty one years, h an option to the lessee to purchase estate before the end of the term for 00*l.* The lessee had taken advantage this option to purchase; and was it so ar that the payment ought to be in nk notes? He would ask whether the nisters themselves, when the bill was posed by the noble lord who introced it, had not doubts whether they uld support it; whether they had not d consultations on the subject in the use, while the debate was going on? en he attempted to procure an alteran in the law, he had been reproached not having consulted the Judges; en he had introduced a Bill for rening freehold estates liable, in the hands the heir, to simple contract debts, all ts of cases were put to him, with the nost ingenuity, to shew the inconvence of such an innovation; and yet, e was an innovation in the law, to ke the existing contract different from contract entered into! This was of all ers a case where the judges ought to ve been consulted. In point of equity, and new contracts surely stood on a very different footing; yet this Bill brought them all to a level, and disposed of them in the same way! And why was this made a temporary measure? Was it to leave people in doubt what the law was; to produce uncertainty and confusion, and hold up a threat to the creditor, that if he dared have recourse to his legal remedy, parliament would alter the law for him? He really wished to be informed what the real object was. Without more information on the subject he was not prepared to alter the law and change the state of all existing contracts. Even the supporters of the Bill appeared to do it with very different views. One supported it because it must be followed by making Bank-notes a legal tender; another because it avoided the legal tender. He really thought that ministers had acted very precipitately in this instance, and that there was a great deal of party feeling in the measure. (Mr. Perceval smiled.) The right hon. gentleman laughed at that. Now he had condemned the conduct of lord King, and said that it was because the noble lord had been supported by a great many others, that he brought forward this measure. If, then, his principal motive was not to have an opportunity of inveighing against lord King—and those who had supported him, he wished the right hon. gentleman to explain how far this Bill would operate to prevent the evil; to prevent the hardship on the debtor, when the only effect would be to take out of the hands of the creditor that remedy only, which, of all others, he was least likely to employ.

Lord *Castlereagh*, having been alluded to by the hon. and learned gentleman, begged to state what was the purport of his opinion, namely, that the House was called on to see that effectual protection was provided both for the person and the property of tenants. He had declared it to be his opinion, that it was better in such a case to rely on a moral than a legal sense of duty; that had been found an effectual protection for 14 years, and lord King, for reasons best known to himself, and into the propriety or grounds of which he had no right to inquire, had been the first to make an infraction on this moral law. This had imposed on the House the painful duty it was now in the course of discharging; and he only hoped that the remedy adopted would be effectual.

Mr. *Tierney* rose amidst a strong cry of

Question, question. Considering the rank and station in his profession of his hon. and learned friend who had just spoke on that side of the House, he expected to have heard his arguments at least attempted to be met by the legal gentleman on the other side, who was also at the head of his profession. There must be some mistake, he was convinced, and that hon. and learned gent. could not be aware of the call of the House on him, to rise and answer his hon. and learned friend (Question, question!). Since the Attorney-General would not speak, that was no reason why he (Mr. Tierney) should not be allowed to speak. If any hon. gent. who was unwilling to hear him had an engagement out of doors, he had better attend it, because, if he did remain, he should hear him. He had intended to take an enlarged view of the present measure, but at the advanced hour of the night, and in the present humour of the House, he did not think it necessary to persevere in that resolution. He did not know, that being the case, whether he should have spoken at all, had it not been for the extraordinary speech of his right hon. friend near him, (Mr. Sheridan) who had taken a different view of this subject from what he had formerly been accustomed to hold. His right hon. friend surely had not looked at the bill at all. The only part of the measure of which he seemed to talk with approbation was the clause to prevent distress against tenants, and that was not a provision which was originally in the Bill. Lord King's letter to his tenants, and the opposition to the bill by noble persons in another House, with whom his right hon. friend was accustomed to think on most public topics, were the principal inducements to the present bill; but, he was sure his right hon. friend was not aware of this. But his right hon. friend thought it his duty to support this bill, because he supposed that it was meant to make the Bank resume their payments in cash. No such a word had fallen from a single member on that side of the House; but he was surprized to find this adduced as a ground for his opinion to night, by his right hon. friend, who had lately been one of the most zealous in that House for declaring that the Bank should resume their payments in cash. He observed, however, that his right hon. friend did best when he came at rather a late hour. Then, though he might not have heard much of the argument, he commonly voted right, that was to say, with his friends; but when he cam at an early hour, though he might speak he was apt, at times, to take the wron side. His right hon. friend had cautione them against trusting to prophecies, as h had failed in a great number. [Mr. She ridan said, no, he had not failed.] The he had succeeded. He then proceeded t notice certain predictions as to the conse quences likely to result to the country fro different measures, as they arose, and in ferred that the greater part of them wer accomplished, in the present distresse state of the credit of the country. No pe son had a higher opinion of the individua connected with the bank, than he had but as a body, he did not think they di their duty. They were to take care the public credit, and to hinder it fro being unhinged; but to this he though they had not attended. Nothing, too, in h opinion, could justify them in continuin the restriction beyond what the publi exigency required; yet here the Hou had been debating a Bill of the nature the present, with the greatest avidity, f weeks, and the Bank of England, as body, had not given it a moment's con deration, nor did it appear at that tim what their opinion was. Of the individu directors who were members of th House, one supported the bill because led to the enacting of a legal tender; an the other supported it because it had e actly a contrary effect. He was sorry see an hon. member (Mr. Baring) who opinion on every subject of the kind w entitled to the highest respect, go out his way to defend the principle of leg tender. It was something abhorrent the ear. The very idea of compulso paper was dreadful; particularly, t when it was not our own paper, but pap of which we did not know the value. did agree with that hon. gent. that the was no room for despair. He might s things in a gloomy point of view. agreed that the resources of the count might still be so laid out as to protect a secure her best interests; but to ens success the country must submit to gr privations. When the whole heart's c of England was safe there could be ground for despair; and for that very re son he was against the present bill; f if it were passed, our soundness from t moment was to be questioned. Nev had such a silly unmeaning piece of pa produced so much discussion. As to t clause relative to distress, he had no obj

to it, if it had been introduced into
other bill in itself deserving of being
ed. The clause as to guineas was of
se. There was nothing to hinder any
who had bags full of gold to send
to Dublin, and sell them there for as
y notes as they would bring, and that
at the expence of sending them to
lin. As to the clause regarding the
e of notes, he could not see the mo-
y of compelling a man who might
let a lease for 21 years, and have
enanted to sell his estate at the end of
period, at a stipulated price, to com-
e the bargain and take the price in
k notes, though they might in the
an time have been depreciated to no-
g. One might as well pass a law de-
ring that a man must make a free gift
his property. The longer he argued
case the more he was induced to say,
t it must bring matters to a legal ten-
at last. He implored the House,
refore, to hesitate before it passed a
which was of no use, and must do in-
y. If a legal tender was necessary,
y not pass such a bill at once? But if we
e six months notice of our intention to
so, was there a man who would not spend
time in seeing how he was to guard
nself against the evil consequences of
h a measure, by the species of property
which he should lay out his funds?
ere was a prejudice in favour of guineas
er Bank notes, and the present measure,
der pretence of supporting Bank notes,
s brought in, the direct tendency of
ich must be to injure public confidence,
d to endanger, if not destroy, the public
edit of the country. This was worse,
, as being a temporary measure. The
fence of Spain and Portugal, and the
cessity of supporting the war in those
untries, was talked of. He could not
nsent to fight the battles of Spain or
rtugal, however, at the expence of the
in of this country. He knew he should
told, the success of the armies in Spain
d Portugal were the best assurances of
osperity to this country. He knew that,
t his first duty was to England. There
ust be some limit to every thing; and
less he was assured that the govern-
ents of those countries did as much for
eir own protection as we did in their
fence; and also, unless he was assured
t the same day which witnessed the
feat of the French armies in Spain and
rtugal, was not also to see the substantial
edit of England endangered, he could
not, however well affected he might be to their cause, consent that the contest should be persevered in. Buonaparté had told you that he would give credit to the prosperity of our finances when he saw a Bank note as valuable and as freely received in payment as a guinea. The right hon. Secretary (Mr. Ryder) answered "Then we will declare it so." We did so months ago, but Bank-notes had not risen in estimation in consequence of this declaration. "Ah," the right hon. Secretary would reply, "but that was only a Resolution, whereas this is an act of Parliament!" Ministers, therefore, were now mounted on a rock of confidence; but with Buonaparté's knowledge on this subject, was there any thing more likely to elate his hopes than our having recourse to this step? He begged of the House to stop, and not to pass a Bill which must have the effect of endangering the credit of the country, without mature deliberation.

Mr. *Sheridan* denied that he had ever despaired of the resources of the country. With respect to his vote on the Bullion Committee, that he had given conscientiously, but if he had had the good fortune even to have heard his right hon. friend's speeches, he did not think they would have altered that vote. His right hon. friend seemed to think that the finances of the country were gone, and Buonaparté, therefore, was more generous, for he allowed that they would stand ten years. He lamented that the House was not in a Committee, for then he could have confuted all his right hon. friend's arguments, which the rules of the House would not permit him to do.

The House then divided, for the third reading,

Ayes..............................95
Noes..............................20
Majority..............—75

List of the Minority.

Abercromby, Hon. J.
Burdett, Sir F.
Creevey, T.
Cochrane, Lord
Eden, Hon. G.
Folkestone, Lord
Howarth, H.
Herbert, Hon. W.
Hamilton, Lord A.
Johnstone, G.
Mackdonald, J.
Moore, P.
Ossulston, Lord
Romilly, Sir S.
Sharpe, R.
Smith, W.
Tierney, Rt. hon. G.
Vernon, G. O.
Taylor, W.
Wrottesley, H.

TELLERS

Brougham, H.
Western, C. C.

Mr. Brougham's Resolutions respecting Bank Notes and Coin.] Mr. *Brougham* said, that before he had been instructed, from the authority of the Chair, that it was irregular, he had intended to move his Resolutions as an amendment to the question of the third reading of the Gold Coin Bill. In now moving them, for the purpose of having them entered on the Journals, he did it, not with the object of creating a debate, although he knew that many gentlemen near him were not indisposed for it, even at that late hour of the night. His Resolutions would contain a censure on the conduct of the Bank Directors, which he conceived they had too well merited. Notwithstanding the sneer of an hon. Bank director, on a similar observation of his, a sneer that seemed to meet with so favourable a reception from the right hon. the Chancellor of the Exchequer, he had to state that he still felt as much distrust as ever in power,—and not only in power, but also in monopoly. But where power and monopoly were united, and when it was shewn that they were working together for a common end, he conceived a case was made out sufficient to excite the jealousy and vigilance of every man who professed or felt a regard for the constitution. He was the more strongly impressed with the necessity of this censure, on hearing, not a little to his surprise, the high tone lately assumed by an hon. Bank director, a tone as little as possible warranted by the conduct of that corporation, of which he was a member. When he heard it said that the mere possession of the qualifying sum of 2,000*l.* was not a consideration capable of influencing any director or proprietor of stock in the vote, which, as a member of parliament, he might give on this Bill; and when he found that under this language it was designed to conceal that extensive interest which was derived to every trader, and to every trading company in the power of accommodating others by advances; when he found that it was openly contended that on a Bill which was to sanction an unlimited issue of paper on the part of a commercial company, that company had no direct interest in the decision of the question, he felt a degree of alarm that strengthened his conviction of the propriety of his Resolutions. When he saw, too, that however excessive those issues, the government was ever prompt to lend their support and countenance to the
abuse, he could have no doubt of the just
ness of the censure. He would not longe
detain the House, but move his first Re
solution.—The hon. and learned gentlema
then moved the first of the following set o
Resolutions:

“1. That by the law and constitutio
of these realms, it is the undoubted righ
of every man to sell, or otherwise dispos
of his property for whatever he deems t
be its value, or whatever consideration h
chuses to accept. And that every ma
possessed of a Bank note, or other secu
rity for the payment of money, has a
undoubted right to give it away for no
thing, or in exchange for whatever su
of money he pleases; or if he cannot ob
tain what he demands, to retain possessio
of it.

“2. That any statute, having for it
object to restrain this right, would be con
trary to the principles of the British con
stitution, and a flagrant violation of th
most sacred rights of property, and th
ancient and inalienable liberties of th
people.

“3. That any statute, having for i
object to prevent the Bank, or other pape
currency of the country from being ex
changed against the lawful money of th
realm below a certain rate, would, if
could be carried into effect, cause th
lawful money of the realm to disappea
and would, in proportion to its efficac
preclude the application of the most ap
propriate remedies for the present de
rangement in the circulation of the coun
try.

“4. That the free exchange of the law
ful money of the realm with the pap
currency on such terms as the holders
each may think proper to settle amon
themselves, is not only the undoubte
right of the subject, but affords the be
means of restoring the circulation of th
country to its sound and natural state, b
establishing two prices for all commod
ties, whensoever the one currency is fro
any causes depreciated below the other.

“5. That no law whatsoever can alt
the real value of the paper currency in r
lation to the lawful money of the real
nor alter the real value of either kind
currency, in relation to all other comm
dities; and that any attempt to fix t
rates at which paper and coin shall p
current, must, in proportion to its succe
interfere with the just and legal executi
of all contracts already existing, witho
the possibility of affecting the terms up

ch contracts shall be made in time to
ne.

6. That it is the bounden duty of the
mmons House of Parliament, as the
rdians of the rights of the people, to
countenance and resist a scheme which
for its immediate objects the establish-
nt of a maximum in the money trade
he realm, and the dissolution of the
igations already contracted by nume-
s classes of the community, but which
for its groundwork principles leading
an universal law of maximum, and the
raction of every existing contract for
payment of money; and that a Bill
ching the gold coin which has lately
en brought from the Lords, has all the
l objects, and proceeds upon the said
nciples."

Mr. *A. Baring* said, he did not mean to
gue either for or against what seemed
him to be a self-evident proposition.
e wished merely to explain that he con-
ived the hon. and learned gent. to be
e of the last from whom a reproof of
ing too high a tone in debate, came
th any grace (a loud cry of hear! from
r. Perceval and his friends). He trusted
the same time, that he should always
ld a sufficiently high tone to do justice
that House to any character which
ight belong to him out of it.

Sir *F. Burdett* explained, that in what
had said of the directors, he had not
alt in insinuation, but had merely ob-
rved that it was unfair in them to re-
esent themselves as under no other in-
ence than the 2,000*l.* stock, and then to
y that that influence was nothing.

The *Chancellor of the Exchequer* said,
ere was one part of the hon. and learned
ent.'s Resolutions, which he believed few
ould be disposed to think was not the
erfect right of every man, that of giving
way his property. He begged also to
y, that he did not think the Bill would
ld to any such disposition.

The first Resolution was then negatived,
nd on moving his second,

Mr. *Brougham* said, he had no wish to
poil the jokes of the right hon. gent. but
ould remind him that the Bill itself po-
tively prohibited any person from giving
is Bank note for less than it was worth.

The *Chancellor of the Exchequer* did not
ink the bestowing money for charitable
urposes could be called throwing it
way. The hon. and learned gent. had
ot fairly interpreted his last observation,
nd might have recollected, that Swift had pronounced nothing to be more arbitrary, than for a man to make himself ridiculous, and then be angry at others for laughing.

Mr. *Brougham* replied, that he perfectly agreed in the doctrine of dean Swift; and it was under its influence, that when he heard the right hon. gent. enter into a discussion of the expediency of preventing the keepers of turnpikes from collecting silver, or becoming petty traders in silver bullion, he had not been able to keep his countenance.

The remaining Resolutions were then put and negatived.

HOUSE OF LORDS.

Monday, July 22.

Gold Coin and Bank Note Bill.]—The Earl of *Liverpool* moved the order of the day for taking into consideration the Amendments made by the Commons to this Bill; and they having been read and agreed to, his lordship moved, that a message be sent to the Commons, informing them that the House had agreed to the said Amendments.

The Earl of *Lauderdale* then rose, and took a review of the circumstances under which this Bill had originated, and the whole subject connected with it. His lordship attributed the adoption of the Bill by ministers, not to the notice given by lord King, but to the decision of the Judges in the case of De Yonge, and was of opinion that the real object of the Bill, as altered by ministers, was to give redress (if he might use the term upon this subject) against the decision of the Judges. The question as to the depreciation of Bank-notes, was one which certainly required the most deliberate investigation, and perhaps was a subject which rather ought to be written upon than debated. There were, however, certain facts, which it was quite impossible to controvert, and which must, in his opinion, clearly demonstrate the depreciation. The gold coin of the country was not admissible in circulation, except it was of the standard weight and fineness. Five pennyweights eleven grains was the standard weight of the guinea, and it was gold of this standard weight that Bank notes promised to pay, or fractional parts in silver, of a fixed standard. If, therefore, the Bank note was convertible into gold, and the price of gold rose, the value of the Bank note must rise in the same proportion. If a

Bank note promised to pay a yard of cloth of a certain breadth and fineness, and there was no difficulty in procuring the yard of cloth to discharge the note, if the price of the cloth rose, the value of the note would rise also. But if the cloth could not be produced in discharge of the note, then the note would become depreciated; so, if the gold was not forthcoming to pay the note, the latter must also become depreciated. The price of gold having risen above the expressed value of the note, was complete evidence of the depreciation of the latter. The Bank note was of no value in itself but only of value from its representing a certain quantity of gold. It was impossible in any other manner to affix a value to it. Those who argued on the other side had a notion that the Bank notes represented certain commercial transactions, and that they were issued upon the credit of certain commodities. But if this were the case, the Bank note issued upon the security of any one commodity would fluctuate in value, according as the price of that commodity rose or fell. How, then, was any one to ascertain the value of Bank-notes from the value of all the commodities upon the security of which they were issued? This was beyond the reach of any one. The only criterion of the value of the Bank-note must be the sum in gold or silver of standard weight and fineness, into which it was convertible. It was in vain to set up any other criterion of value, for by none other could the value of the Bank-note be kept up, or the note be prevented from becoming depreciated. What, then, was the object of the Bill? It was nugatory as to preventing the landlord from insisting on his rents in gold, as it left him all his legal remedies except that of distress. The object of the Bill, then, was to force the circulation of a depreciated currency at a nominal value. It had been said, that the arguments applicable to a paper currency issued by the authority of government were inapplicable to notes issued by a private Company. But where was the security? The directors had a duty which they owed to their constituents, the proprietary, paramount to any interest of the public; and if a profit was to be derived to the proprietors from an additional issue of Bank-notes, it would be no excuse on the part of the Bank Directors for not doing so, to state to their constituents, the proprietors, that the interests of the public required it should not be done. Their lordships had only to look, in point of fact, to the documents on their table, to prove that the issue of Bank notes had been increased without reason. It would be seen that the amount of Bank notes in circulation, which in 1808 was 17,540,000*l.* had increased in 1811 to 23,420,000*l.* making a difference of 5,880,000*l.* in three years. It had been said, that the increase of mercantile transactions required this increase of circulating medium; but it was well known that if there was an increase of transactions there was an increase of credit, and that a less amount of circulating medium was, in fact, required. So far, however from there being an increase of mercantile transactions, he had been informed by several commercial men, that there never was a greater diminution of mercantile transactions than within the last si months.—The noble earl then entere into a calculation to shew that the increase of Country Bank notes, against a further increase of which the security was taken away by the present bill, had within the last three years, amounted to a sum which, added to the 5,880,000*l.* increase of Bank of England notes, made up a sum of 14,000,000*l.* When such an excessive issue of paper had taken place, and when there was no security against a still further excess, it was quite impossible for any legislative measure to prevent its depreciation; and to attempt to force the circulation of this depreciated currency at its nominal rate of value, was pregnan with the most fatal consequences. Thi nevertheless, was the real object of th Bill, however it might profess to reliev the tenant from any supposed attempt a extortion on the part of the landlord. I did not, in fact, relieve the tenant, ther was merely a hint to lord King; but th real object was to attempt to keep up th nominal value of the paper currency, an the only effect of which must be to reduce the value to be paid on all contrac to such a sum as the directors of the Ban of England, in conjunction with the country bankers, should please to reduce it t by the excessive issues, and consequen still further depreciation of their note The Bill would, at the same tim be productive of a serious evil bankers. It was well known that the were now obliged to give a premium f silver, in order to obtain change to pa the fractional sums in checks drawn upo them by their customers. This they we dden to do by this Bill, under penalty e pillory; and without being enabled o it, how were they to carry on their ? how were they to procure change y the fractional parts of checks? If, ever, this Bill was considered so good l by those who supported it, why was t extended to Ireland? Why were landlords in Ireland to be allowed to t on their rents in gold, which the dlords in Great Britain were forbidden o, unless upon the most vicious prin- e in legislation, that the crime, as it now to be called, was so frequent in and, that it was in vain to attempt to ck it; and that it having only just menced in England, it was to be met legislative enactment? In every point iew in which the Bill could be consi- ed, it appeared to be nugatory with ect to its professed object, and most icious in its real one; that of attempt- to force the circulation at a nominal e of a paper currency which was clear- proved to be depreciated, against the her depreciation of which there was no rity, and in which there was proved e an excess of issue of 14 millions, hin the last 3 years—an issue which no parallel in the history of any coun- , with the exception of the French as- nats.—He was aware that it might be y difficult to say how we were to re- e our steps in order to retrieve the mis- ef arising from the present state of the culation. He however thought, that proper management the Bank might enabled, without risk, to pay in specie a much shorter time than was generally posed. But it was absolutely neces- y that some steps should be taken to tore that sound and healthy state of culation, without which the credit of e country could not long be maintained, d to place the paper currency of the untry upon its only sure and certain sis, that of gold.

The Earl of *Liverpool* could not allow e question to pass without observing on some of the statements of the noble d. The value of the gold coin of this untry was not to be estimated according its weight in gold, but according to the lue fixed upon it by the reigning sove- gn of the country. The value of bank tes, as for every purpose of internal ne- ciation, he contended, was by the ge- ral consent of the country declared not be depreciated. There were no persons t of that House who had expressed their opinion, that the conduct of the noble lord who had given rise to this Bill, was so far proper that they themselves would wish to follow his example; and their not following it was a proof that they did not think any depreciation of our Bank paper had taken place.

The Earl of *Lauderdale,* in explanation, thought it was not fair to judge what the opinions of noble lords, or of any other persons, must be, from their following or not following the example of lord King. If every person who agreed that there was a depreciation of paper were to follow the line of conduct suggested by his noble friend (lord King), he suspected the noble Secretary of State would find the present Bill a less effectual measure than he now supposed it. The noble lord was bound to take them as they preached, not as they practised.

Earl *Stanhope* strongly supported the opinions he had formerly delivered, and in which he was happy to find the noble Secretary of State concurred, as to the cause of the value affixed to the current coin of the country. It was only by violating the law, which prohibited the turning guineas into bullion, that the value of a guinea could be raised above that conferred on it by the proclamation of the King, or the act of the legislature. Why noble lords and others had not followed the example of the noble lord (King) he could easily explain. They did not wish to expose themselves to the execration of the country. The noble earl had said this Bill was meant as a hint to lord King. Certainly he did mean it as a hint to his lordship, and to all who should act like him. He did not know whether the noble earl had ever studied at Oxford. Those who were acquainted with the University of Oxford, must have heard of John King's 'broad hint.' It was this: that when a person had been warned that his company was disagreeable, and that his further presence, therefore, was dispensed with, and he failed to take the hint, that then he should be kicked down stairs. He had now given lord King the hint; and, if his lordship did not chuse to take it, he should move, next session, to give him John King's broad hint.

The *Lord Chancellor* begged to remind the House, that, having already agreed to the Amendments made by the Commons on the Bill, the question now was, whether a message should be sent to the Commons, stating that they had agreed to those

Amendments.—The question was then put and agreed to.

COPY OF THE GOLD COIN AND BANK NOTE BILL; COMMONLY CALLED LORD STANHOPE'S BILL.] The following is a Copy of this Bill, as it passed both Houses:

"An Act for making more effectual provision for preventing the current Gold Coin of the Realm from being paid or accepted for a greater value than the current value of such coin; for preventing any Note or Bill of the Governor and Company of the Bank of England from being received for any smaller sum than the sum therein specified; and for staying proceedings upon any distress by tender of such notes.

"Whereas it is expedient to enact as is hereinafter provided: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, no person shall receive or pay for any gold coin lawfully current within the realm, any more in value, benefit, profit, or advantage, than the true lawful value of such coin, whether such value, benefit, profit or advantage, be paid, made or taken in lawful money, or in any note or notes, bill or bills of the governor and company of the bank of England, or in any silver token or tokens issued by the said governor and company, or by any or all of the said means wholly or partly, or by any other means, device, shift, or contrivance whatsoever; and every person who shall offend herein shall be deemed and adjudged guilty of a misdemeanor.

II. "And be it further enacted, by the authority aforesaid, That no person shall by any means, device, shift or contrivance whatsoever, receive or pay any note or notes, bill or bills of the governor and company of the bank of England, for less than the amount of lawful money expressed therein, and to be thereby made payable, except only lawful discount on such note or bill as shall not be expressed to be payable on demand; and every person who shall offend herein shall be deemed and adjudged guilty of a misdemeanor.

III. "And be it enacted, by the authority aforesaid, That in case any person shall proceed by distress or poinding to recover from any tenant or other person liable to such distress or poinding, any rent or sum of money due from such tenant or other person, it shall be lawful for such tenant or other person, in every such case to tender notes of the governor and company of the bank of England, expressed to be payable on demand, to the amount of such rent or sum so due, either alone or together with a sufficient sum of lawful money, to the person on whose behalf such distress or poinding is made, or to the officer or person making such distress or poinding on his behalf; and in case such tender shall be accepted, or in case such tender shall be made and refused, the goods taken in such distress or poinding shall be forthwith returned to the party distrained upon, or against whom such poinding shall have been used, unless the party distraining or poinding and refusing to accept such tender shall insist that a greater sum is due than the sum so tendered, and in such case the parties shall proceed as usual in such cases; but if it shall appear that no more was due than the sum so tendered, then the party who tendered such sum shall be entitled to the costs of all subsequent proceedings: Provided always, that the person to whom such rent or sum of money is due shall have and be intitled to all such other remedies for the recovery thereof exclusive of distress or poinding, as such person had or was intitled to at the time of making such distress or poinding, if such person shall not think proper to accept such tender so made as aforesaid: Provided also, that nothing herein contained shall affect the right of any tenant or other such person as aforesaid having right to replevy or recover the goods so taken in distress or poinding, in cases without making such tender as aforesaid he shall so think fit.

IV. "Provided always, and be it enacted, That every person who shall commit in Scotland any offence against this act which by the provisions thereof is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by one or the other of the said punishments as the judge or judges before whom such offender shall be tried and convicted may direct.

V. "Provided always, That nothing in this act contained shall extend to Ireland.

VI. "Provided always, and be it further enacted, That this act shall continue and be in force to and until the 25th day of March 1812, and no longer."

HOUSE OF COMMONS.

Tuesday, July 23.

nswers of Lord Wellington and Sir Beresford to the Vote of Thanks.] Speaker acquainted the House, that had received from lieutenant general viscount Wellington the following ters, in return to the Thanks of the use, of the 7th of June last.

" Quinta de St. Joao,
" Sir, July 1st, 1811.

In obedience to the orders of the House Commons, I have communicated to sir liam Beresford and to captain general ke the resolutions of the House, of the of June, conveying their approbation the conduct of the general and other cers, non-commissioned officers, and liers, of the allied armies which fought battle of Albuera on the 16th of May. has given me great satisfaction to have n made the channel of communicating hose officers the high honour which the use have conferred upon them. I have honour to enclose a letter from sir lliam Beresford. I have the honour to &c. Wellington."

" Stª. Olaia,
" Sir, June 29th, 1811.

" Lord Viscount Wellington, commanding his Majesty's and the allied forces in Peninsula, having transmitted to me ur letter of the 7th instant, commuating the Resolutions of the House of mmons, giving to me, to the general icers, officers, and troops under my imediate command on the 16th May, the anks of that House for our conduct in battle of Albuera, I have the honour to orm you, that I have signified to the veral general officers specified in the solution of the House of Commons, this ost flattering and high distinction; and beg you to assure the House, that the nerals, officers, and troops, will appreate with me their approbation, as the ghest honour, and not only as the most greeable remuneration for what service, der the assistance of Divine Providence, r efforts have been able to obtain in our untry's cause, but as the most powerful centive to future exertions.—I beg you ill be pleased, for the general officers, ficers, troops, and myself, to offer to the ouse of Commons the expression of our anks and gratitude for the high honour the approbation of that House, and hich we shall ever be most ambitious of retaining. I beg you will believe me to be, with the highest consideration,

" Sir, &c. W. C. Beresford."

HOUSE OF LORDS.

Wednesday, July 24.

The Lords Commissioners' Speech at the Close of the Session.] At three o'clock, the Lord Chancellor stated that two Commissions had been issued under the Great Seal, the one for giving the royal assent to certain bills, and the other for the prorogation of parliament; and the House adjourned to robe. A few minutes afterwards the archbishop of Canterbury, the Lord Chancellor, earl Camden, the earl of Westmoreland, and the earl of Aylesford, took their seats in their robes as Lords Commissioners. Mr. Quarme, the deputy usher of the black rod, was sent to require the attendance of the Commons. After a short interval the Speaker and several members of the House of Commons came to the bar.

The Lord Chancellor stated, that it not being convenient for his royal highness the Prince Regent to be personally present, a Commission had been issued under the great seal, for giving the royal assent to certain Bills. The Commission signed by the Prince Regent, in the name and on the behalf of his Majesty, was read by the clerk at the table.—The royal assent was declared and notified in the usual form to several bills. After which,

The *Lord Chancellor* delivered the following Speech:

"My Lords, and Gentlemen,

"His Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, has commanded us to signify to you the satisfaction with which he finds himself enabled to relieve you from your attendance in parliament, after the long and laborious duties of the session. We are particularly directed to express his approbation of the wisdom and firmness which you have manifested in enabling his Royal Highness to continue the exertions of this country in the cause of our Allies, and to prosecute the war with increased activity and vigour.

"Your determined perseverance in a system of liberal aid to the brave and loyal nations of the peninsula has progressively augmented their means and spirit of resistance, while the humane attention which you have paid to the sufferings of the inhabitants of Portugal, under the unexampled cruelty of the enemy, has confirmed the alliance by new ties of affection, and cannot fail to inspire additional zeal and animation in the maintenance of the common cause.

"His Royal Highness especially commands us to declare his cordial concurrence in the measures which you have adopted for improving the internal security and military resources of the United Kingdom.

"For these important purposes you have wisely provided, by establishing a system for the annual supply of the regular army, and for the interchange of the militias of Great Britain and Ireland; and his Royal Highness has the satisfaction of informing you, that the voluntary zeal which has already been manifested upon this occasion has enabled him to give immediate operation to an arrangement by which the Union and mutual interests of Great Britain and Ireland may be more effectually cemented and improved.

"Gentlemen of the House of Commons,

"His Royal Highness commands us to thank you in the name and on behalf of his Majesty, for the liberal supplies which you have furnished for every branch of the public service.

"His Royal Highness has seen with pleasure the readiness with which you have applied the separate means of Great Britain to the financial relief of Ireland at the present moment; and derives much satisfaction from perceiving that you have been able to accomplish this object with so little additional burthen upon the resources of this part of the United Kingdom. The manner in which you have taken into consideration the condition of the Irish revenue has met with his Royal Highness's approbation; and his Royal Highness commands us to add, that he looks with confidence to the advantage which may be derived from the attention of parliament having been given to this important subject.

"My Lords and Gentlemen,

"His Royal Highness commands us to congratulate you upon the reduction of the island of Mauritius. This last and most important colony of France has been obtained with inconsiderable loss, and its acquisition must materially contribute t the security of the British commerc and possessions in that quarter of th world.

"The successes which have crowne his Majesty's arms during the presen campaign, under the distinguished com mand of lieutenant-general lord viscoun Wellington, are most important to the in terests and glorious to the character of th country. His Royal Highness warml participates in all the sentiments whic have been excited by those successes, an concurs in the just applause which yo have bestowed upon the skill, prudence and intrepidity so conspicuously displaye in obtaining them.

"It affords the greatest satisfaction t his Royal Highness to reflect that, shoul it please Divine Providence to restore h Majesty to the ardent prayers and wishe of his Royal Highness and of his Majes ty's people, his Royal Highness will b enabled to lay before his Majesty, in th history of these great achievements of th British arms throughout a series of syste matic operations, so satisfactory a proo that the national interests and the glory o the British name have been successfull maintained while his Royal Highness ha conducted the government of the Unite kingdom."

Then a Commission for proroguing th parliament was read. After which th Lord Chancellor said,

"My Lords and Gentlemen,

"By virtue of the commission under th Great Seal, to us and other lords directe and now read, we do, in obedience to th commands of his Royal Highness th Prince Regent, in the name and on behal of his Majesty, prorogue this parliament t Thursday the twenty-second day c August next, to be then here holden; an this parliament is accordingly prorogue to Thursday the twenty-second day d August next."

The Commons withdrew from the Ba and the Lords Commissioners retired from the House.

[A List of the Public Acts passe during the Session will be found a p. cxxxviii, of the Appendix.]

APPENDIX

TO THE

PARLIAMENTARY DEBATES,

1811.

FINANCE ACCOUNTS OF GREAT BRITAIN,

FOR THE YEAR ENDED FIFTH OF JANUARY, 1811.

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I.—PUBLIC INCOME.

HEADS OF REVENUE.	Gross Revenue.			Net Produce.			Payments into Exchequer.		
ORDINARY REVENUES:									
Permanent and Annual Taxes.	£.	s.	d.	£.	s.	d.	£.	s.	d.
oms	11,355,350	14	3¼	9,009,735	18	7¾	7,718,556	8	9½
se	20,731,163	6	7¼	18,495,178	3	2	18,057,786	15	0
aps	5,851,557	18	1½	5,546,082	17	2¼	5,336,455	9	4
and Assessed Taxes	8,311,640	0	3¼	8,011,205	0	11¼	7,177,897	18	4¾
Office	1,915,238	5	5¾	1,471,746	19	2¼	1,253,000	0	0
n the £. on Pensions and Salaries	38,028	9	5½	37,621	0	10½	30,377	7	3½
in the £. on Pensions and Salaries	45,824	8	10¼	44,984	12	7¼	40,508	2	0¼
kney Coaches	28,875	3	10½	25,807	10	4½	25,458	0	0
kers and Pedlars	17,898	3	4½	14,733	11	8½	14,344	9	6
Total Permanent and Annual Duties	48,295,576	10	3¾	42,657,095	14	8¼	39,654,384	10	4
all Branches of the Hereditary Revenue.							Hanaper } 2,000	0	0
nation Fines	9,737	15	5	8,590	7	5	4,443	18	8
Fines	3,651	4	5¼	3,544	8	1¼			
ures	14,773	7	3½	14,773	7	3½	14,773	7	3½
positions	1	10	0	1	10	0	1	10	0
fers	618	6	11	618	6	11	618	6	11
wn Lands	114,273	4	0½	110,225	2	5½	77,892	18	10¼
Extraordinary Resources.									
Customs	3,906,483	13	7½	3,100,594	16	10	3,100,594	16	10
Excise	6,855,812	2	6¾	6,759,165	13	4¾	6,709,985	15	0
Property Tax	13,492,215	4	4½	13,216,863	17	9¼	13,216,863	17	9¼
Arrears of Income Duty, &c.	11,789	0	2¾	11,666	4	9¾	11,666	4	9¾
tery, Net Profit—one third for Ireland	471,250	0	0	450,615	1	6	450,615	1	6
ies Paid on Account of the Interest of oans raised for the Service of Ireland	2,448,470	10	9	2,448,470	10	9	2,448,470	10	9
Account of the Commissioners, appointed or Issuing Exchequer Bills for Grenada	85,000	0	0	85,000	0	0	85,000	0	0
plus Fees of Regulated Public Offices	136,398	13	11	136,398	13	11	136,398	13	11
plus Revenue of the Isle of Man	8,254	7	9	8,254	7	9	8,254	7	9
Account of the Interest, &c. of a Loan ranted to the Prince Regent of Portugal	57,170	3	0	57,170	3	0	57,170	3	0
prest Money repaid by sundry Public Accountants, &c.	59,029	19	10½	59,029	19	10½	59,029	19	10½
er Monies paid to the Public	59,963	7	11	59,963	7	11	59,963	7	11
Total, independent of Loans	76,030,469	2	5	69,188,041	14	4¾	66,098,127	11	2¼
ns paid into the Exchequer, including he Sum of £.1,400,000 raised for the ervice of Ireland	13,242,356	17	0	13,242,356	17	0	13,242,356	17	0
GRAND TOTAL	89,272,825	19	5	82,430,398	11	4¾	79,340,484	8	2¼

II.—CONSOLIDATED FUND AND PERMANENT TAXES.

INCOME.	£.	s.	d.
Net Produce of the Customs	4,278,930	19	4
Excise	14,686,367	15	0
Stamps	2,914,699	1	2½
Incidents	5,742,292	11	1¼
Surplus of Sugar, Malt, & Tobacco, annually granted	1,451,898	14	9½
- - Ditto - - - 6*d.* and 1s. per lib. on Pensions and Salaries	12,220	0	0
Arrears of Annual Malt, 1807, 1808, and 1809	494,129	0	0
Pensions, Offices, and Personal Estates, 1799, to 1810	148,111	13	1½
Land Taxes, 1798, to 1810	1,091,917	9	1½
Income Duty, 1799—1801	5,508	5	9
Arrears of Assessed Taxes, 1798	6,157	19	0¾
Money reserved on account of Nominees appointed by the Lords of the Treasury, in Tontine, 1809	24,016	10	7½
Monies paid into the Treasury by divers persons	1,339,838	13	3¾
Total Income of the Consolidated Fund, applicable towards paying the Charge for Debt created before 5th Jan. 1803, together with the Incidental Charges as they stood on the 5th of Jan. 1811	32,196,088	12	5¼
DUTIES pro Anno 1803.			
Reserved out of the Consolidated Customs, per Act 43 Geo. 3. cap. 68, £. 62,500 per quarter	250,000	0	0
Brought from Consolidated Duties on Stamps, per Act 48 Geo. 3. cap. 149	59,965	15	3
Reserved out of Consolidated Duties on Assessed Taxes, per Act 48 Geo. 3	357,227	0	0
Interest, &c. on Loan for Ireland	136,073	7	2
TOTAL	803,266	2	5
DUTIES pro Anno 1804.			
Brought from Consolidated Duties on Stamps, per Act 48 Geo. 3. cap. 149	960,346	18	11
Interest, &c. on Loan for Ireland	330,162	14	1
TOTAL	1,290,509	13	0

CHARGE.	Actual Payment out of the Consolidated Fund, in the Year ended 5th January, 1811. £.	s.	d.	Future Annual Charge upon the Consolidated Fund, as it stood on 5th January, 1811. £.	s.	d.
Total Charge for Debt created prior to 5th Jan. 1803, as it stood on 5th Jan. 1811	24,158,233	1	7	24,150,329	7	7
CIVIL LIST.—His Majesty's Household	898,000	0	0	898,000	0	0
Ditto per Act 44 Geo. 3	60,000	0	0	60,000	0	0
COURTS OF JUSTICE.—Judges of England and Wales, in Augmentation of their Salaries	13,050	0	0	13,050	0	0
Deficiencies of Judges Salaries in England	13,323	18	1½	Uncertain.		
Additional Salaries to Judges in Wales	3,200	0	0	3,200	0	0
Aaron Graham, Esq. Inspector of temporary Places of Confinement for Felons	350	0	0	350	0	0
William Baldwin, Esq. Receiver of the Seven Police Offices	17,021	1	10½	Uncertain.		
Patrick Colquhoun, Esq. Ditto Thames Ditto	5,843	4	8½			
John W. Compton, Esq. Chief Justice of the Vice-Admiralty Court, at Barbadoes	2,702	4	11½	2,000	0	0
Henry Moreton Dyer, Esq. Ditto Bahamas	2,000	0	0	2,000	0	0
Alexander Croke, Esq. Ditto America	1,000	0	0	2,000	0	0
John Sewell, Esq. Ditto Malta	2,000	0	0	2,000	0	0
Henry John Hinchliffe, Esq. Ditto Jamaica	2,000	0	0	2,000	0	0
William Territt, Esq Ditto Bermuda	1,000	0	0	2,000	0	0
Sheriffs of England and Wales	4,000	0	0	4,000	0	0
Clerk of the Hanaper in Chancery	3,000	0	0	Uncertain.		
MINT.—Master of his Majesty's Mint in England	3,450	0	0	Uncertain.		
Ditto Scotland	1,200	0	0	1,200	0	0
Receiver of Fees in the Office of the Mint	2,542	15	0	Uncertain.		
Salaries and Allowances	9,388	7	8	Uncertain.		
Commissioners of Public Accounts	10,900	0	0	Uncertain.		
Salaries and Contingencies in the Office of Ditto	35,909	3	8			
Commissioners of West India Accounts	3,500	0	0	3,500	0	0
Salaries and Contingencies in the Office of Ditto	5,928	7	3	Uncertain.		
Pensions	301,789	9	0¾	296,536	8	2
MISCELLANEOUS:—For the Encouragement of the Growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
Commissioners for Compensations for Losses sustained under the Act for the Improvement of the Port of London	118,054	18	0	Uncertain.		
Salaries, &c. in the Office of Ditto	9,000	0	0			

Brought from Consolidated Customs, per Act 48 Geo. 3. Goods, 1805	306,020	0	0
Ditto from Consolidated Stamp Duties, per Act 48 Geo. 3. cap. 149	52,313	16	8½
Taken from Consolidated Letter Money	331,333	6	8
Reserved out of Consolidated Duties on Assessed Taxes, Duty on Horses	168,448	0	0
Duties taken from Consolidated Excise	672,056	0	0
Interest, &c. on Loan for the Service of Ireland	276,967	1	2
Total	1,807,138	4	6½
Duties pro Anno 1806.			
Wine Anno 1803, 1804, and Tea	509,141	0	0
British Spirits, Anno 1806	195,400	0	0
Reserved out of Consolidated Duties on Assessed Taxes	565,510	0	0
Brought from Consolidated Stamp Duties	6,917	1	4
Interest, &c. on Loan for the Service of Ireland	133,882	18	2
Total	1,410,850	19	6
Duties pro Anno 1807.			
Brought from War Taxes to pay the Charge of Loan	1,200,000	0	0
Interest, &c. on Loan for the Service of Ireland	222,897	14	7
Total	1,422,897	14	7
Duties pro Anno 1808.			
Surplus of Consolidated Duties on Assessed Taxes	143,836	11	5¼
Surplus of Consolidated Stamp Duties	704,893	13	10
Interest, &c. on Loan for Ireland	147,718	15	0
Total	996,449	0	3¼
Duties pro Anno 1809.			
Brought from Consolidated Customs	105,000	0	0
Ditto from War Taxes, to pay the Charge of Loan of 1809	1,272,865	4	10¾
Charges on Loan for the Prince Regent of Portugal	57,170	3	0
Interest, &c. on Loan for Ireland	233,444	9	1
Total	1,668,479	16	11¾
Duties pro Anno 1810.			
Brought from Consol. Stamp Duties	637,319	2	1
Interest, &c. on Loan for Ireland	53,153	13	2
TOTAL INCOME of CONSOLIDATED FUND in the year ended 5th January 1811	42,286,152	18	11¾

Total of Incidental Charges upon the Consolidated Fund, as they stood on the 5th of January, 1811.	1,533,110	2	7½	1,312,643	1	10
Debt incurred in respect of £. 12,000,000 raised for the Service of the Year 1803	817,120	10	6¾	817,120	10	6¾
Debt incurred in respect of £. 14,500,000, raised for the Service of the Year 1804	1,174,168	18	0	1,174,168	18	0
Debt incurred in respect of £. 22,500,000, raised for the Service of the Year 1805	1,716,992	0	4	1,716,992	0	4
Debt incurred in respect of £. 20,000,000, raised for the Service of the Year 1806	1,339,288	0	0	1,339,288	0	0
Debt incurred in respect of £. 12,000,000, part of £. 14,200,000, raised for the Year 1807	1,434,874	5	3¼	1,434,233	8	10¾
Debt incurred, in respect of £. 4,000,000, Exchequer Bills, funded for the Service of the Year 1808	878,055	2	4¼	878,055	2	4¼
Debt incurred in respect of £. 7,932,100, Exchequer Bills, funded for the Service of the Year 1809	1,639,682	14	2¾	1,378,019	9	4¼
Debt incurred in respect of £. 8,311,000, Exchequer Bills, funded for the Service of the Year 1810	604,788	15	9¼	1,276,041	6	10¾

RECAPITULATION.

Total Charge for Debt incurred in 1810	604,788	15	9¼	1,276,041	6	10¾
Total Charge for Debt incurred prior to 1803	24,158,233	1	7	24,150,329	7	7
Total of Incidental Charges	1,533,110	2	7½	1,312,643	1	10
Total Charge for Debt, incurred in 1803	817,120	10	6¾	817,120	10	6¾
Ditto....Ditto....1804	1,174,168	18	0	1,174,168	18	0
Ditto....Ditto....1805	1,716,992	0	4	1,716,992	0	4
Ditto....Ditto....1806	1,339,288	0	0	1,339,288	0	0
Ditto....Ditto....1807	1,434,874	5	3¾	1,434,233	8	10¾
Ditto....Ditto....1808	878,055	2	4¼	878,055	2	4¼
Ditto....Ditto....1809	1,639,682	14	2¾	1,378,019	9	4¼
TOTAL CHARGE upon the CONSOLIDATED FUND in the Year ended 5th January, 1811	35,296,313	10	9¼	35,476,891	5	9¾

An Account of the Net Produce of all the PERMANENT TAXES *of* GREAT BRITAIN

	In the Year ended 5 Jan. 1810.			Do. 5th Jan. 1811.		
	£.	s.	d.	£.	s.	d
CONSOLIDATED CUSTOMS	4,260,651	0	11¼	4,869,366	5	5
....Ditto........EXCISE	14,892,429	0	0	15,867,564	15	0
....Ditto........STAMPS	5,119,467	18	4	5,332,509	0	10
INCIDENTS.						
Houses and Windows 1766	1,168	10	2	—		
Horses for Riding 1785	103	10	0	312	0	0
Male Servants	100	0	0	—		
Carts	101	16	4	6	0	0
Hackney Coaches and Chairs 1711 and 1784	25,790	0	0	25,458	0	0
6*d.* per Lib. on Pensions 1721	12,509	0	0	18,318	2	0
1*s.*....Ditto on Salaries 1758	9,859	9	4¼	4,367	7	3
4 Wheeled Carriages 1785	—	—	—	206	18	0
Waggons	—	—	—	4	9	0
£. 10 per Cent................1791	—	—	—		2	9
....Ditto....................1793		1	0	—		
Letter Money	1,160,000	0	0	1,256,000	0	0
Hawkers and Pedlars	12,780	0	0	14,353	13	4
Seizures	14,529	13	3	14,773	7	3
Proffers	603	15	10	618	6	11
Compositions	2	0	0	1	10	0
Fines and Forfeitures	823	16	0	303	9	0
Rent of a Light House	6	13	4	6	13	4
Ditto... Alum Mines	816	0	0	864	0	0
Alienation Duty	3,770	2	0	4,443	18	8
Lottery Licences	5,271	4	2	3,946	8	6
Quarantine Duty	14,802	6	10½	26,462	2	5
Canal and Dock Duty	22,664	11	9	44,122	11	5
Hair Powder Certificates 1795	647	2	6	—		
Horse Dealers Licences........1796	410	0	0	—		
£. 20 per Cent................1797	381	14	10¾	562	13	2
Houses	8	8	1¼	—		
Horses	87	9	6	—		
Clocks and Watches	284	8	4	—		
Additional Assessed Taxes......1798	5	2	1½	6,157	19	0
Houses and Windows	2,117	6	11	100	0	0
Inhabited Houses	200	2	0	—		
Horses for Riding	712	8	0	—		
Ditto .... Husbandry	779	0	0	—		
Male Servants	392	5	0	—		
4 Wheeled Carriages	780	0	0	—		
2 .... Ditto	320	0	0	—		
Dogs	612	6	0	—		
Armorial Bearings 1798	808	3	0	—		
Horses for Husbandry 1801	100	0	0	—		
Ditto....Riding	100	0	0	—		
Houses and Windows 1802	5,305	4	8	203	18	10
Inhabited Houses	4,094	6	10	200	0	0
Horses for Riding	8,902	17	9	87	0	0
Ditto....Husbandry	739	2	0	—		
Male Servants	1,286	18	1	—		
4 Wheeled Carriages	3,586	6	10½	225	1	1
2 .... Ditto	775	2	2	27	0	0
Dogs	855	13	11	—		
Houses and Windows 1804	149,089	7	0¾	36,592	11	1
Inhabited Houses	103,504	5	11½	31,386	8	7
Horses for Riding	94,693	5	0½	41,510	5	7
Ditto and Mules	94,957	2	1¼	44,035	2	5
Male Servants	62,297	12	7¾	24,878	16	8
Carriages	67,747	3	4	34,454	7	4
Dogs	34,541	5	10	24,636	2	5
Hair Powder Certificates	28,287	0	8	15,051	10	5
Horse Dealers Licences	8,975	17	2¼	4,443	11	11
Armorial Bearings	22,105	5	7½	10,847	4	11
Goods and Wares 1805	78,525	6	9¾	—		
British Spirits 1806	75,900	0	0	195,400	0	0

for Two Years, ending respectively 5th January 1810 *and 5th January* 1811.

		In the Year ended 5 Jan. 1810.			Do. 5th Jan. 1811.		
		£.	s.	d.	£.	s.	d.
) per Cent		153,829	19	3½	49,186	19	2½
olidated Assessed Taxes....1808		5,678,695	7	8	5,614,200	17	6
Taxes....1809		1,159,055	2	11¾	1,091,917	9	1½
er Lib. on Pensions		4,000	0	0	16,660	0	0
Ditto on Salaries		350	0	0	16,720	0	0
Ditto on Pensions....1810		—	—	—	200	0	0
Ditto on Salaries		—	—	—	2,400	0	0
arplus Duties Annually anted after discharging ,000,000 Exchequer Bills charged thereon.	Sugar and Malt	376,477	9	0¾	580,313	13	10¼
	Additional Malts	696,516	14	5	737,703	15	9
	Annual Malts	456,722	3	7	494,129	0	0
	Tobacco	87,841	0	0	133,881	5	2¼
	Land Tax on Offices, &c.	155,914	14	4	148,111	13	1½
	6*d.* per Lib. on Pensions	32,868	0	0	5,330	0	0
	1*s.* Ditto .... Salaries	18,268	0	0	6,890	0	0
		35,233,704	1	7¼	36,852,453	8	11¾
Duties Annually granted to discharge 3,000,000 Exchequer Bills charged thereon.	Sugar and Malt	2,466,205	17	1½	2,242,414	7	0¼
	Additional Malts	224,518	0	0	252,477	4	3
	Annual Malts	12,527	0	0	—		
	Tobacco	378,052	0	0	376,630	14	9¾
	Land Tax on Offices, &c.	8,500	0	0	93	8	2
	6*d.* per Lib. on Pensions	2,000	0	0	—		
	1*s.* Ditto .... Salaries	2,000	0	0	—		
		38,327,506	18	8¾	39,724,069	3	2¾

III.—ARREARS AND BALANCES.

HEADS AND TOTALS OF THESE ACCOUNTS.

		£.	s.	d.
ears due on the 5th January 1811, from the Officers of the Customs in England, &c.	Present Collectors	25,396	9	7
	Late Collectors	1,907	2	4¾
ears due on Ditto, from the Officers of the Customs in Scotland, &c.	Late Collector	11	19	10½
	Present Collectors	12,999	17	9
ears due on Ditto, from the Officers of Excise in England, &c.		41,458	12	1½
ears due on Ditto, from the Officers of Excise in Scotland, &c.		3,137	2	9½
ears due on Ditto, from the Distributors of Stamps in Great Britain, &c.		30,677	2	4¾
ances in the Hands of the Distributors of Stamps in Great Britain, &c.		113,333	8	8¼
ances in the Hands of the Receivers General of the Land and Assessed Taxes in Great Britain, &c.		381,014	6	7
ears due on the 5th January 1811, from the Officers of the Post Office in Great Britain, &c.	Irrecoverables	4,638	5	8¼
	Recoverables	5,880	11	0
ances in the Hands of the Deputy Postmasters in Great Britain, &c.		63,439	2	11
ances due on the 5th January 1811, from the Receivers of the Land Revenue of the Crown for England and Wales, &c.		None.		
counts delivered into the Office of the Comptrollers of the Accounts of the Army, &c.		(Total not given.)		

List of Officers and Departments whose Accounts are Audited by the Commissioners *Auditing the* PUBLIC ACCOUNTS; *viz.*

Cashier of the Bank of England.
Commissioners for the Reduction of the National Debt.
Secretary to the said Commissioners.
Cashier of the South Sea Annuities.
Paymasters of Exchequer Bills.
Inspector of Tontine Certificates.
Cashier of Bank; Loans and Lotteries.
Secretary for Contingent Expences of the Lottery.
Chamberlain of London, Orphans Fund.
Treasurer of the Navy.
Treasurer of the Ordnance.
Treasurer of the Navy Bills funded.
Treasurer of the Ordnance Bills funded.
Inspector of Roads in North Britain.
Paymaster General of the Army.
Agent to the Out-Pensioners of Chelsea Hospital.
Barrack, Commissioners of.
Paymaster of Widows Pensions.
Receiver General of the Customs.—Cash.
Comptroller General of the Customs.—General.
Commissioners for Licensing Hawkers and Pedlars.
Receiver General of Revenues arising by licensing Hackney Coaches and Chairs.
Receiver of the Customs, Isle of Man.
Receiver General of the Stamps.—Cash.
Comptroller General of the Stamps.—General.
Receiver General of the Post.—Cash.
Comptroller General of the Post.—General.
Military Asylum, Treasurer.
Military College, Treasurer.
Receiver of the Civil List Deduction.
Receiver of the 12*d.* Deduction.
Receiver of the First Fruits of the Clergy.
Receiver of the Tenths of the Clergy.
Keeper or Clerk of the Hanaper.
Paymaster of American Pensions.
Paymaster of Allowances to Toulonese Emigran
Lord Chamberlain of the Household.
Master of the Robes.
Master of the Horse.
Master of the Mint.
Warden of the Mint.
Solicitor to the Treasury.
Comptroller and Cashier of the Stationary Office.
Surveyor of Somerset Place.
Agent for Cape Breton.—Bahama Islands.—N Brunswick.—Prince Edward Island.—Upp Canada.—Newfoundland.—Nova Scotia.—N South Wales.
Agent for Regimental Infirmaries.
Agent for paying Allowances to retired and o ciating Chaplains of the Army.
Agent for Volunteer Corps.

List of Persons Accountable before the Commissioners for Auditing the PUBLIC ACCOUNT *for Money imprested on Account, for Extraordinary Services; viz.*

Barrack Masters General Abroad.
Deputy Barrack Masters General.
Contractors for Victualling His Majesty's Forces.
Contractors for remitting Money for Pay of Extras of the Forces.
Contractors for furnishing Camps with Bread, Wood, Straw, and Forage.
Commissary in Chief.
Commissaries General, Deputy Commissaries for the Purchase and Issues of Stores.
Commissaries of Accounts.
Engineers, for Monies received out of the Extraordinaries of the Forces.
Governors of Islands, of Provinces, and Lieutena Governors thereof.
Commanders in Chief, for Contingencies.
Paymasters of Provincial Forces.
Purveyors of Hospitals.
Quarter Masters General, and Deputy Quar Masters General.
Superintendant, &c. of Indian Affairs.
Secretaries to Governors.
Secretaries to Commanders in Chief.
Clerk of the House of Commons, for printing th Journals.
Military Canal—Paymaster of Works.

N. B.—Any Person to whom Money may be Imprested on Account for Extraordinary Services (n relating to the Navy or Ordnance) becomes a Public Accountant, and is compellable to pass Account in this Office.

This Class also contains,

List of Accounts Delivered Over by the late Commissioners for Auditing Public Accounts to the Co missioners appointed for the like purpose under the 46th Geo. 5.; and of the Accounts since receiv into the Audit Office, Somerset-Place, or since received into the Office of the said Commissione which have NEITHER been Audited, Stated, or Declared;—completed to the 5th of January 1811.

List of the Accounts Delivered Over by the late Commissioners for Auditing the Public Accounts to th Commissioners appointed for the like purpose under the 46th Geo. 3. and of the Accounts since r ceived into the Audit Office, Somerset-Place, or since received into the Office of the said Commi sioners, which HAVE been either Stated or Declared; so far as any Balances appear to be now owi to, or from, the Public, upon any such Accounts;—completed to the 5th of January 1811.

—TRADE AND NAVIGATION OF GREAT BRITAIN.

of all IMPORTS *into, and all* EXPORTS *from* GREAT BRITAIN, *for Three Years, ended 5th January* 1811.

	OFFICIAL VALUE of IMPORTS.		OFFICIAL VALUE of EXPORTS.	
	From Europe, Africa, and America.	From East Indies and China.	British Produce and Manufactures.	Foreign Merchandize.
	£.	£.	£.	£.
nded 5th January 1809	23,780,704	5,848,649	26,691,962	7,862,305
1810	30,409,384	3,363,025	35,104,132	15,182,768
1811	36,422,142	*	34,940,550	10,945,309

ote—The Value of British Produce and Manufactures Exported from Great Britain, according to the average Prices Current, and Declarations of the Exporters, in the Year ended the 5th of January 1811, amounted to ………… £. 49,975,634

* The Account of Imports from the East Indies and China cannot yet be given.

[The Appendixes to this Account specify the various Articles]

ber *of* VESSELS, *with the Amount of their* TONNAGE, *which have been Annually Built d Registered in the several Ports of the* BRITISH *Empire, (except Ireland) between 5th n.* 1808 *and 5th Jan.* 1811.

	SHIPS.	TONS.
e Year 1808	568	57,140
e Year 1809, being the Account delivered last Year, and now corrected	596	61,396
e Year 1810	612	77,036

ber *of* VESSELS, *with the Amount of their* TONNAGE, *and the Number of* MEN *and* OYS *usually employed in navigating the same, which belonged to the several Ports of the* RITISH *Empire, on the 30th September, in the Years* 1808, 1809, *and* 1810.

	In 1808.			In 1809.			In 1810.		
	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
and	15,327	1,833,971	119,881	15,687	1,875,224	122,815	16,048	1,918,089	126,008
nsey	110	10,850	1,061	112	10,503	912	104	9,947	883
y	66	5,429	500	58	5,451	576	57	5,454	550
of Man	381	9,237	2,216	372	8,989	2,158	366	8,785	2,117
rations	3,066	194,423	13,081	3,188	201,247	13,857	3,450	215,383	14,157
and	2,592	211,950	15,042	2,534	206,075	14,720	2,552	209,736	15,064
nd	1,104	58,959	5,324	1,119	60,979	5,560	1,126	58,650	5,416
l	22,646	2,324,819	157,105	23,070	2,368,468	160,598	23,703	2,426,044	164,195

ber *of* VESSELS, *with their* TONNAGE *and* MEN, *which entered* INWARDS *and cleared* OUT-ARDS, *at the several Ports of* GREAT BRITAIN, *from, or to, all Parts of the World, between th January* 1808, *and 5th January* 1811.

	INWARDS.						OUTWARDS.					
	BRITISH.			FOREIGN.			BRITISH.			FOREIGN.		
	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
3 -	8,973	1,110,901	69, 37	1,829	269,970	14,818	9,431	1,153,488	74,372	1,82	272,104	15,116
9 -	10173	1,327,723	80,938	4,692	722,920	56,420	9,935	1,318,508	87.153	4,979	674,680	35,894
0 -	10467	1,346,990	84,776	6,199	1,070,080	54,268	10159	1,369,696	89,435	6,210	1,073,535	57,187
3 -	2,338	203,340	13,617	96	12,922	694	2,492	219,322	15,260	71	10,041	555
9 -	2,483	211,850	14,858	230	36,367	1,865	2,564	212,644	15.370	151	25,070	1,362
0 -	3,090	262,098	18,124	677	106,163	5,826	2,931	254,424	18,278	431	64,992	3,683

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d
I. For Interest, &c. on the Permanent Debt of Great Britain, Unredeemed,	-	-	-	21,555,401	4	0¾			
Charges of Management	-	-	-	217,825	13	5¼			
Reduction of the National Debt	-	-	-	11,660,601	5	4½			
							33,433,828	2	10
II. The Interest on Exchequer Bills, (B.)	-	-	-	-	-	-	1,815,105	4	1
III. The Civil List, (C.)	-	-	-	958,000	0	0			
IV. Other Charges on the Consolidated Fund, viz. Courts of Justice	-	-	-	70,490	9	8			
Mint	-	-	-	7,192	15	0			
Allow. to Roy. Fam.	-	-	-	301,789	8	4½			
Sal. & Allowances	-	-	-	65,625	17	11			
Bounties	-	-	-	130,011	11	8			
							1,533,110	2	7
V. Civil Government of Scotland, (D)	-	-	-	-	-	-	118,186	13	3
VI. Other Payments in Anticipation, (E) Bounties for Fisheries, Manufactures, Corn, &c.	-	-	-	580,324	8	0½			
Pensions on the Hereditary Revenue	-	-	-	27,700	0	0			
Militia, and Deserters Warrants	-	-	-	167,374	18	10½			
							775,399	6	11
VII. Navy, (F.) Wages of Officers & Seamen	2,780,000	0	0						
Half Pay to Sea Officers and Bounty to Chaplains	200,000	0	0						
Wages to His Majesty's Dock and Rope Yards	1,020,000	0	0						
General Services.—Building of Ships, Purchase of Stores of every description, Repairing of Ships, Purchase of Ships taken from the Enemy, Head Money, &c.	2,575,000	0	0						
Bills of Exchange, Imprests, Salaries, Pensions, &c.	3,811,706	2	6						
				10,386,706	2	6			
The Victualling Department	-	-	-	5,438,726	2	0½			
Transport do. for Transports, Prisoners of War, Sick & Wounded Seamen	3,866,979	18	11						
Miscellaneous Services	366,000	0	0						
				4,232,979	18	11			
							20,058,412	3	5
VIII. Ordnance (G)	-	-	-	-	-	-	4,652,331	14	8
IX. Army, (H)—Ordinary Services, viz. For Regulars, Fencibles, Militia, Invalids, and Volunteer Corps	8,813,816	2	6						
Commissary in Chief	1,950,000	0	0						
Barracks	392,737	17	8						
Staff Officers & Officers of Garrisons	294,988	0	6						
Half-pay	183,862	11	10						
Widows Pensions, &c.	57,617	0	0						
Chelsea Hospital	331,668	19	6						
Exchequer Fees	94,071	16	1						
Pay of Public Offices	138,860	6	9						
				11,357,622	14	10			
Extraordinary Services	-	-	-	7,178,677	9	2			
							18,536,300	4	0
X. Loans, Remittances, and Advances to other Countries, (I) viz. Ireland	-	-	-	5,294,416	13	3			
Sicily	-	-	-	425,000	0	0			
Portugal	-	-	-	1,247,898	19	2			
Spain	-	-	-	387,294	2	2			
							7,354,609	14	7
XI. Miscellaneous Services: (K) At Home	-	-	-	1,990,315	18	8			
Abroad	-	-	-	280,551	15	3½			
							2,270,867	13	11
Deduct Loan, &c. for Ireland	-	-	-	5,294,416	13	3			
Deduct for Interest, &c. on Portuguese Loan				57,170	3	0	90,548,151	0	5
							5,351,586	16	3
This includes the Sum of £.425,303 8 3 for Interest, &c. paid on Imperial Loans. £.							85,196,564	4	2

ENDIX (A).—*Monies paid in the Year ended 5th Jan.* 1811, *towards the Charges of the* PUBLIC DEBT *of Great Britain, Ireland, Imperial and Portuguese Loans.*

	INTEREST.			Annuities for Lives and for Terms of Years.			Charges of Management.		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
nent Funded Debt of Great Britain	18,316,189	19	0	1,153,348	19	8¾	198,864	4	9¼
raised for the Service of Ireland	1,526,176	1	0	109,684	7	5	14,781	7	10
ial Loans	194,123	7	5	230,000	0	0	4,180	0	10
guese Loans	25,886	9	6	-	-	-	-	-	-
	20,062,367	16	11	1,493,033	7	1¾	217,825	13	5¼
							1,493,033	7	1¾
Towards the Redemption of the Public Debt;							20,062,367	16	11
al Issue, per Act 26 Geo. III.				1,000,000	0	0			
to .... 42 Do.				200,000	0	0	21,773,226	17	6
ties for Terms of Years expired prior to 5th July 1802				79,880	14	6			
.... on Lives, on which the Nominees died prior to 5th y 1802, or that have been unclaimed for 3 Years				52,269	15	7			
est on Debt of Great Britain redeemed				4,818,503	3	11			
on part of Ditto				89,809	11	8	11,660,502	0	1½
.... Ireland..............................				205,889	18	8			
.... Imperial				30,955	12	7	33,433,728	17	7½
.... Portuguese..........................				979	3	11			
per cent. on part of Capitals created since 5th Jan. 1793 .				3,890,982	11	8½			
of the Annual Appropriation				626,255	10	5			
per cent. on Capitals created by Loans for Ireland				564,719	16	6			
Imperial Loans				36,693	0	0			
Portuguese do.				30,000	0	0			
est on Stock transferred for Life Annuities				33,563	0	8			

ENDIX (A. 2.)—*Total Amount of the Sums actually received by the* COMMISSIONERS *for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1811.

GREAT BRITAIN.	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
al Issue	1,000,000	0	0			
additional Issue	200,000	0	0			
equer Annuities for 99 and 96 years expired 1792	54.880	14	6			
Annuities 1777 expired 1787	25,000	0	0			
ities on Lives expired prior to 5th July, 1802	21,111	16	1			
ities on Lives unclaimed for 3 Years prior to 5th Jan. 1810.	31,157	19	6			
per ct. on part of Capitals created by Loans from 1793 to 1810.	3,890,982	11	8½			
est on Capitals purchased by the Commrs. at £. 3 per cent.	4,521,261	3	11			
...... Ditto ....£. 4 per cent.	290,142	0	0			
...... Ditto ....£. 5 per cent.	7,100	0	0			
on Capitals transferred for Life Annuities, at £. 3 per cent.	33,563	0	8			
rned from Account of Life Annuities	99	5	3			
				10,075,298	11	7½
al Appropriation towards Redemption of part of Loan 1807	626,255	10	5			
est on Capital purchased at £. 3 per cent.	89,809	11	8			
				716,065	2	1
				10,791,363	13	8½
act, set apart from Sinking Fund for payment of Life Anns.	-	-	-	76,974	14	3
IRELAND.						
per cent. on Capitals created by Loans from 1797 to 1810.	564,719	16	6	10,714,388	19	5½
est on Capital purchased at £. 3 per cent.	205,889	18	8			
				770,609	15	2
IMPERIAL.						
per cent. per ann. on Capital created by Loan 1797	36,693	0	0			
est on Capital purchased at £. 3 per cent.	30,955	12	7			
				67,648	12	7
PORTUGAL.						
ards Redemption of Capital created by Loan 1809	30,000	0	0			
rest on Capital purchased at £. 3 per cent.	979	3	11			
				30,979	3	11
lied to the purchase of Stock	-	-	-	11,583,626	11	1½
to the payment of Life Annuities............................	-	-	-	76,974	14	3
Gross Amount				11,660,601	5	4½

APPENDIX (B.)—*Interest paid on* EXCHEQUER BILLS, *from the 5th Jan.* 1810 *to t* *5th Jan.* 1811.

Under what Acts issued.	On what Funds charged.	£.	s.
48 Geo. III. cap. 53. - - - - - -	To be paid off 6 months after Peace -	90,000	0
Ditto cap. 114. - - - - - -	Supplies 1809 - - - - - - - - -	23,021	6
49 Geo. III. cap. 1. - - - - - -	Malt, and Personal Estate, 1809 - - -	20,771	6
Ditto cap. 2. - - - - - -	Supplies, 1810 - - - - - - - - -	543,253	12
Ditto cap. 3. - - - - - -	Ditto - - - - - - - - - - - - -	75,000	0
Ditto cap. 52. - - - - - -	Ditto - - - - - - - - - - - - -	252,794	7
Ditto cap. 93. - - - - - -	Aids, 1809 - - - - - - - - - -	672,027	14
Ditto cap. 114. - - - - - -	Supplies 1810 - - - - - - - - -	95,102	2
50 Geo. III. cap. 1. - - - - - -	Malt, and Personal Estate, 1810 - -	43,134	14
		£. 1,815,105	4

APPENDIX (C.)—*Charge upon the* CONSOLIDATED FUND, *in the Year ended the* 5 *Jan.* 1811; *exclusive of the Interest of the* PUBLIC DEBT, *and of the Payments up* EXCHEQUER BILLS.

CIVIL LIST.	£.	s.	d.
For his Majesty's Household....	898,000	0	0
Ditto per Act 44 Geo. 3	60,000	0	0
COURTS OF JUSTICE.			
Judges of England and Wales ...	13,050	0	0
Inspector of temporary Places of confinement for Felons	350	0	0
Receiver of Thames Police Office	5,843	4	8½
Receiver of Seven Public Offices	17,021	1	10½
Chief Justices of the Admiralty Courts at Bahama, Nova Scotia, Malta, Bermudas, Jamaica, and Barbadoes	10,702	4	11½
Judges of England; Deficiencies of Salary	13,323	18	1½
Judges of Wales; addit. Salary	3,200	0	0
Sheriffs of England and Wales. .	4,000	0	0
Keeper of the Hanaper	3,000	0	0
MINT.			
The Master of, in England	3,450	0	0
.... Ditto .... Scotland	1,200	0	0
Receiver of Fees in the Office of the Mint	2,542	15	0
SALARIES & ALLOWANCES.			
Marquis of Bute, late one of the Auditors of Imprest	7,000	0	0
P. Deare, esq. late Deputy do. .	300	0	0
E. Roberts, esq. on £. 650 formerly paid to the Auditor of the Exchequer	650	0	0
Commissioners for Auditing the Public Accounts	10,900	0	0
Salaries and Contingencies in the Office of Ditto	35,909	3	8
Chief Cashier of the Bank for fees	938	7	0
Inspector of Tontine Certificates	500	0	0
Commissioners for auditing the West India Accounts	3,500	0	0
Salaries and Contingencies in the Office of Ditto	5,928	7	3
PENSIONS.			
Arthur Onslow, esq.	3,000	0	0
Earl of Chatham	4,000	0	0
Lord Heathfield	1,500	0	0
Lord Rodney	2,000	0	0
....Ditto	923	1	6
Lady Dorchester	1,000	0	0
John Penn	3,000	0	0
Richard Penn	1,000	0	0

His R. H. the Prince of Wales .	65,000	0
Ditto the Duke of York........	14,000	0
Ditto............ Clarence....	12,000	0
Ditto............ Ditto	6,000	0
Ditto............Kent	12,000	0
Ditto............ Ditto	6,000	0
Ditto............ Cumberland	12,000	0
Ditto............ Ditto	6,000	0
Ditto............ Sussex	12,000	0
Ditto............ Ditto	6,000	0
Ditto............ Cambridge .	12,000	0
Ditto............ Ditto	6,000	0
Princess Charlotte of Wales	7,000	0
Duchess of York	4,000	0
Duchess of Brunswick	10,000	0
Duke of Brunswick............	7,080	9
Duke of Gloucester............	14,000	0
Princess Sophia of Gloucester ..	7,000	0
Earl St. Vincent	2,000	0
Viscount Duncan	2,000	0
Duke of Richmond............	6,333	6
Sir Beaumont Hotham, knt.....	2,000	0
Lord Erskine	4,000	0
Sir Sydney Smith	1,000	0
Baroness Abercrombie	2,000	0
Lord Hutchinson	2,000	0
Sir James Saumarez, Bart.	1,200	0
For the Prince of Orange	16,000	0
For Lord Amherst	3,000	0
Duke of Atholl	4,130	0
Earl Nelson	5,000	0
Lady Nelson	2,000	0
Sir Richard Strachan, Bart.	1,000	0
Lord Collingwood	500	0
Lady Collingwood	830	11
Hon. Sarah Collingwood........	415	5
Hon. Mary Patience Collingwood	415	5
Sir J. T. Duckworth............	1,000	0
Duke of Grafton	4,580	0
Sir John Stuart..............	1,000	0
Lord Lake	2,000	0
Lord Wellington	2,881	8
BOUNTIES.		
For Hemp and Flax in Scotland	2,956	13
Commissioners appointed to pay Compensations to Persons suffering under the Dock Act ..	118,054	18
Salaries, &c. in their Office ...	9,000	0
	£. 1,533,110	2

ENDIX (D.)—*A List of all such Sum and Sums of Money as have been incurred, and ome due upon His Majesty's Establishment for* CIVIL AFFAIRS *within* SCOTLAND, *bear- g Date the* 19*th Day of June* 1761, *for one Year; from* 5*th Jan.* 1810 *inclusive, to h Jan.* 1811 *exclusive* .... £. 118,186 13 3

ENDIX (E. 1.)—*Amount of* BOUNTIES *paid in England and Scotland out of the evenues of Customs and Excise, between the* 5*th Jan.* 1810 *and the* 5*th Jan.* 1811; *ing Payments in the nature of Anticipations of Exchequer Issues.*

	ENGLAND.			SCOTLAND.			GREAT BRITAIN.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS.									
ties on Cotton and Linen Manufactures, &c. ....British and Southern Whale Fishery. .....Newfoundland and White Herring do.	446,337	6	9¼	115,324	4	8½	561,661	11	5¾
EXCISE.									
ties on British Spirits................ ..... on Fish .... and Barrel Bounties, certified on the Ex-e for Deficiency of Money in the hands the Receiver General of the Customs....	12,892	6	7½	5,770	9	11¼	18,662	16	6¾
	459,229	13	4¾	121,094	14	7¾	580,324	8	0½

PENDIX (E. 2.)—POST OFFICE.—*Pensions and Parliamentary* GRANTS, *in the Year ended the* 5*th Jan.* 1811.

His Grace the Duke of Marlborough	£. 5,000
His Grace the Duke of Grafton	4,700
The Heirs of the late Duke of Schomberg.............	4,000
	£. 13,700

PENDIX (E. 3.)—EXCISE.—*An Account, shewing how the* PUBLIC MONIES *remaining the Receipt of the Exchequer on the* 5*th Jan.* 1810, *together with the Monies paid into e same during the Year ended* 5*th Jan.* 1811, *and the Monies paid out of the Net Pro-uce of the Revenues of the said Year in Anticipation of the Exchequer Receipt, have been ctually applied; so far as regards the Receipt of the Excise in England, and can be as-ertained at the Excise Office.*

	£.	s.	d.	
SIONS, viz.				
Duke of Grafton..................................	9,000	0	0	
Earl Cowper..	2,000	0	0	
Charles Boone, Esq. Moiety of the Earl of Bath's	1,500	0	0	
Lord Melbourne's.... Ditto	1,500	0	0	
JNTIES.				
Salted Provisions, &c.	12,731	3	9	included in App. E. 1.
British Spirits..................................	161	2	10½	
	£. 26,892	6	7½	

PENDIX (E. 4.)—*Sums advanced by the Receivers General of Land and Assessed Taxes, n Account of* MILITIA, *and* DESERTERS WARRANTS, *and other Disbursements under various Acts of Parliament; between the* 5*th Jan.* 1810 *and* 5*th Jan.* 1811.

	ENGLAND & WALES.			SCOTLAND.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
itia and Deserters Warrants	81,306	4	2½	16,465	18	1	97,772	2	3½
unteers	25,398	7	0	19,319	12	7½	44,717	19	7½
ence Acts	3,020	2	7	63	0	0	3,083	2	7
ny of Reserve	16,429	11	5½	5,372	2	11	21,801	14	4½
	126,154	5	3	41,220	13	7½	167,374	18	10½

APPENDIX (F.)—*Monies received from His Majesty's Exchequer, for* Naval Services *between the 5th Jan.* 1810 *and the 5th Jan.* 1811.

HEADS OF SERVICE.	SUM. £.	s.	d.	TOTAL. £.	s.	d.
NAVY.						
Wages.						
Wages of Officers and Seamen	2,780,000	0	0			
Half Pay to Sea Officers, and Bounty to Chaplains	200,000	0	0			
Wages to His Majesty's Dock and Rope Yards	1,020,000	0	0			
General Services.						
For General Services, viz. Bills of Exchange, Imprests, Salaries, Pensions, Marines, &c.	2,575,000	0	0			
Building of Ships, purchase of Stores of every description, repairing Ships, purchase of Ships taken from the Enemy, Head Money, &c. paid in Bills at ninety days date	3,811,706	2	6			
				10,386,706	2	6
VICTUALLING.						
Provisions and all sorts of Victualling Stores, paid for in Bills at ninety days date	4,206,325	9	2			
Widows Pensions	43,400	12	10½			
Bills of Exchange and Imprests	973,000	0	0			
General Services, viz. Necessary and Extra Necessary Money and Contingencies	216,000	0	0			
				5,438,726	2	0
TRANSPORTS.						
Freight of Transports, Maintenance of Prisoners of War, and Expence of sick and wounded Seamen, paid for in Bills at ninety days date	3,866,979	18	11			
Bills of Exchange, and all Services paid for in ready Money	366,000	0	0			
				4,232,979	18	11
			£.	20,058,412	3	5

APPENDIX (G.)—*Monies paid by the Office of* Ordnance *in the Year* 1810, *for Services at Home and Abroad respectively.*

	£.	s.	d.
For Services at Home	4,276,119	2	9
For Services Abroad	376,212	11	11
£.	4,652,331	14	8

APPENDIX (H.)—*Monies paid by the Right Honourable the Paymasters General of His Majesty's* Forces, *from 25th December* 1809 *to 24th December* 1810.

	£.	s.	d.	£.	s.	d.
PAY and Allowances of the Forces, Captains Allowances, Off-reckonings, Recruiting Contingencies, Bills, and Clothing				8,647,388	2	6
Volunteers				166,428	0	0
Exchequer Fees				94,071	16	1
Pay of Offices				138,860	6	9
Commissary in Chief				1,050,000	0	0
Barracks				392,737	17	8
Staff and Garrisons				294,988	0	6
Half Pay				183,862	11	10
Compassionate List				14,617	0	0
Widows Pensions				43,000	0	0
Chelsea Hospital				331,668	19	6
Extraordinaries, including Advances to Spain, &c.	655,193	1	4	7,833,870	10	6
Do. for the Service of Portugal	980,000	0	0	980,000	0	0
Do. for the Sicilian Subsidies	425,000	0	0	425,000	0	0
	*2,060,193	1	4	20,596,493	5	4
* Deduct the Amount of the Sums above, the same being included in the Account under the Head of Loans, Remittances, and Advances, &c. Appendix (I.)				2,060,193	1	4
			£.	18,536,300	4	0

PENDIX (I.)—*An Account of* LOANS, REMITTANCES *and* ADVANCES, *to other Countries, in the Year ending the 5th Day of Jan.* 1811.

	£. s. d.	£. s. d.
e was remitted out of Supplies 1809 and 1810, to that part of the United ngdom called Ireland,		
Out of Loans Anno 1809 and 1810, per Acts 49 and 50 Geo. 3.	5,120,000 0 0	
Out of Lotteries 1809, per Act 49 Geo. 3. cap. 94.	174,416 13 3	
		5,294,416 13 3
There was also issued out of Supplies 1809 and 1810,		
To complete 400,000 Sicilian Subsidy 1809	100,000 0 0	
In part of 400,000 Do. 1810	325,000 0 0	
		425,000 0 0
By the payment of Bills drawn in 1810, for the Service of Portugal	1,237,517 19 2	
By the estimated value of Stores supplied Do.	110,381 0 0	
	1,347,898 19 2	
Deduct Repaid	100,000 0 0	
	1,247,898 19 2	
Advances by the Payment of Bills drawn in 1810, for for the Service of the Supreme Junta of the Government of Cadiz	387,294 2 2	
		2,060,193 1 4
		7,354,609 14 7

PENDIX (K.)—*An Account, shewing how the Monies remaining in the Receipt of the* EXCHEQUER *on the 5th day of Jan.* 1810, *together with the Monies paid into the same during the Year ended the 5th day of Jan.* 1811, *have been actually applied; so far as relates to* MISCELLANEOUS SERVICES.

SERVICES AT HOME.	£.	s.	d.
the Governors of Queen Anne's Bounty for the Augmentation of the Maintenance of the poor Clergy 1810	100,000	0	0
r defraying the Charge of the Royal Military College 1809,10	24,400	0	0
cto .... Royal Military Asylum 1808,9,10	37,000	0	0
to .... Royal Naval Asylum 1810	46,788	10	1
tto of erecting the Royal Military College at Sandhurst 1808	12,000	0	0
r printing and Stationary for the two Houses of Parliament 1809,10	13,800	2	9
r the Deficiency of the Grant, Anno 1808 and 1809 for do.	9,786	0	1½
tto Anno 1808, for Printing 60th Vol. of Journals of the House of Commons 1810	713	19	3½
r Printing 1,750 Copies of the 61st Vol. of Journals of Ditto 1809	3,490	3	1
tto.... 1,250 Ditto 38 and 39 Vols. of Journals of the House of Peers 1810	2,817	19	7
r printing and delivering the Votes of the House of Commons, and for printing Bills, Reports, &c. 1810	1,977	16	0
r the Deficiency of the Grant, Anno 1809, for Ditto	2,805	17	3
r reprinting Journals, Indexes, and Reports of the House of Commons	9,978	0	8
r printing Index to the Journals of the House of Peers	1,564	1	4
be paid for Conviction of Felons and Overpayments 1809,10	7,500	0	0
r defraying Law Charges 1809	15,000	0	0
r defraying the Expence of the Public Office Bow Street 1809,10	8,358	12	8
r confining, maintaining, and employing Convicts at Home	56,127	0	0
r the Protestant Dissenting Ministers in England, and for the Relief of the Poor French Protestant Clergy and Laity	5,981	17	0
or the Ministers of the Vaudois Churches, et al.	1,328	5	4
or the relief of the suffering Clergy and Laity of France, Toulonese, Dutch and Corsican Emigrants, Saint Domingo Sufferers, and American Loyalists	160,142	5	3½
o the East India Company on Account of the Loan of £. 1,500,000, authorized by an Act 50 Geo. 3. cap. 114	1,000,000	0	0
or Works and Repairs of the Military Roads North Britain 1810	5,696	11	8
itto .... of the Roads and Bridges in the Highlands of Scotland 1809	10,000	0	0
or making an Inland Navigation from the Eastern to the Western Sea 1809	50 000	0	0
or carrying on the Building of a New Mint 1809,10	28,886	5	0
owards completing the Lazarette at Chetney Hill 1810	21,000	0	0
or Works at the Houses of Parliament 1810	11,550	0	0
or the Repairs of Henry the Seventh's Chapel 1810	1,500	0	0
or the Purchase of Buildings, and Improvements in Westminster	16,042	8	8
owards improving and securing Holyhead Harbour 1810	5,000	0	0
or defraying the Charge of the Royal Military Canal 1809	20,800	0	0
or better securing the Docks at Portsmouth, and extending the Lines at Dover	13,471	15	0

For defraying the Charge of the superintendence of Aliens 1809,10	7,497	11	9
For Salaries and Allowances to the Officers of the Houses of Lords and Commons, and Serjeants at Arms	5,084	3	5
For the Deficiency of the Grant Anno 1809, for Allowances to the Officers of the Houses of Lords and Commons 1810	110	0	0
To the Trustees of the British Museum	7,132	0	6
For the Purchase of Mr. Greville's Collection of Minerals	13,727	0	0
To the Royal College of Surgeons, to enable them to complete the erection of a Museum and Theatre, with an appropriate front, in Lincoln's Inn Fields	8,000	0	0
To the Board of Agriculture 1809,10	8,500	0	0
To the Vaccine Institution 1810	3,000	0	0
To the Commissioners of Military Inquiry	21,000	0	0
Ditto ... Windsor Forest	8,000	0	0
Ditto ... for Redemption of Land Tax, &c. by Ecclesiastical and Corporate Bodies	12,000	0	0
To Capt. Manby for his Invention for effecting a Communication with Ships stranded	2,000	0	0
To the extra Contingencies in the Offices of the three Secretaries of State	2,500	0	0
For the extra Messengers ... Ditto ... 1809,10	9,500	0	0
For supplying the Court of Exchequer and Officers with Stationary 1809	1,016	19	1
For Bounties, for taking and bringing Fish to the Cities of London and Westminster 1809	4,000	0	0
For Expences of Prosecutions relating to Coin 1809,10	4,500	0	0
For the Deficiency of Grant 1809 for Ditto 1810	270	7	8
For Fees on passing Public Accounts	5,000	0	0
To pay off and discharge certain £.5 per Cent. Annuities	18,776	3	3
For Incidental Expences in preparing and drawing the Lotteries 1809,10	15,250	0	0
For Salaries to the Officers, and incidental Expences of the Commissioners for reducing the National Debt	3,000	0	0
To the Chief Clerk in the Office of the Auditor of the Exchequer for his extra trouble in preparing Exchequer Bills pursuant to Act 48 Geo. 3.	500	0	0
For incidental Expences attending the Acts for the Redemption and Sale of the Land Tax 1810	1,593	16	8
For the Salaries and Expences of the American Commissioners	1,200	0	0
To the Bank of England, for Management of Life Annuities 1809,10	206	6	10
To the Bank of England, for Discount on prompt Payments on the Lotteries 1809, 1809	2,827	6	11
... Ditto ... for receiving Contributions to Ditto	3,000	0	0
... Ditto ... for Discount on prompt Payments on Loan £. 14,600,000 for 1809	35,963	3	0
Ditto for receiving Ditto	11,680	0	0

To replace to His Majesty's Civil List Revenues the Sums issued thereout, pursuant to Addresses of the House of Commons, viz.

To Edward Colman, Esq. late Serjeant at Arms attending the House of Commons, for his Arrears of Pension, one Year to the 5th January 1810	500	0	0
To Charles Rossi, Statuary, being the second Payment due to him under a Contract for erecting a Monument to the Memory of the Marquis Cornwallis	2,217	5	0
To J. Caley, Esq. for Rewards to Persons employed by the Commissioners of public Records	7,614	4	10
To Jeremiah Dyson, Esq. Clerk Assistant to the House of Commons, to make up his Allowance equal to £. 2,000 for his Services during the Session 1809	750	3	2
To Thomas Edlyne Tomlins, Esq. for his trouble in compiling Registers for the Committee on the Expired and Expiring Laws	166	8	6
To the Officers of the House of Commons, for their attendance on various public Committees of the House	496	7	6
To George Whittam, Esq. for defraying the Expence of making an Index to the Votes of the House of Commons for Session 1809	350	0	0
To Richard Wharton, Esq. for his Services as Chairman of the Committee of Ways and Means during the Sess. 1809	1,269	7	0
To John Henry Ley, Esq. second Clerk Assistant to the House of Commons, for his Services during the Session 1809	1,582	8	6
To John Clementson, Esq. Deputy Serjeant at Arms to the House of Commons, to make up his Allowance equal to £.500 for his Attendance during the Session 1809	218	18	0

To make good to His Majesty's Civil List Revenues Monies issued thereout for public Services; viz.

To George Eyre and Andrew Strahan, Esq. for Printing, by order of the Committee of Public Records	3,162	7	4
To John France, Esq. for his assistance in making an Index to the Rolls of Parliament	428	15	0
To Thomas Brodie, Esq. for his trouble in forming an Index to the Journals of the House of Peers, for one Year to 5th July 1809	533	13	6
To the same, for Salaries and other incidental expences in forming Indexes to the Journals of the House of Peers, for one Year to the 5th July 1809	1,151	8	0

Lord Walsingham as Chairman of the Committees of the House of Peers, for his ervices during the Year 1809	2,698	13	0
William Watson, Esq. Serjeant at Arms to the House of Peers, for his Services uring the Year 1809	1,623	0	0
ohn Clementson, Esq. Deputy Serjeant at Arms to the House of Commons, for ne Year's Rent of a House, in lieu of Apartments resigned at the House of Com- ons, due Midsummer last	219	14	0
Edward Sealy, Esq. for his Expences in prosecuting the Elm Bark Bill in Parliament	182	5	3
Thomas Nettleship, Esq. for publishing the average price of brown or Muscovado ugar, for two Years to the 1st October 1809	838	17	0
Dr. Thomas Brooke Clarke, for extra Expences incurred in preparing Returns of he Non-resident Clergy for two Years, ended 25th March 1808	289	19	8
the same, for his trouble relative to an Act for enforcing the residence of the lergy in the half Year, ended 5th July 1809	278	6	6
Kenneth Mackenzie, Esq. to reimburse him the Expences incurred in making a Road from Coutin to Ullapool	324	18	6
the Officers and Clerks of the Tally Court in the Exchequer, for levying Tallies, rom 5th July 1808, to 5th April 1809	1,160	12	0
William Chinnery, Esq. to enable him to pay a Bill drawn by Deputy Commissary Fosbrook, from Van Diemens Land, to consolidate colonial notes for the use of that sland	114	14	6
Peter Grant, Esq. Secretary to the Commissioners of Military Inquiry, for defraying he Expence of the said Commissioners in carrying the Act into execution	1,474	18	0
James Read, Esq. for defraying the Expence of the Establishment of a Horse Patrol, for the better security of the public Roads leading to the Metropolis, for one Year to 5th January 1810	6,266	12	0
John Meheux, Esq. Assistant Secretary to the Commissioners for the Affairs of India, to discharge the Expences of Furniture for the Office of the said Commissioners at Dorset House	717	18	0
the Magistrates of the Thames Police, for the Expences incurred in carrying into effect, a Plan for the better Security of the Shipping in the Port of London	958	8	0
Messrs. Robert Walker and Co. for the Expence of two Printing Presses, sent as a present to the Regency of Portugal	706	17	2
John Meheux, Esq. to discharge Bills for Works done at the House occupied by the Board of Control	882	8	5
Edward Parratt, Esq. to be by him distributed among the several Persons employed in preparing the Journals of the House of Lords, to be printed	362	9	6
William Chinnery, Esq. to pay Bills drawn by Gov. Thompson from Sierra Leone	20,125	2	11¾
Edward Stracey, Esq. for his Services as Counsel to the Chairman of the Committees of the House of Peers	3,396	8	0
Robert Mitford, Esq. to pay a Bill drawn by Colonel Robertson, Governor of Fort George, for Freight of a Boat, and to discharge a Balance of an Account for Repairs of Port Patrick Harbour	44	11	0
Bryan Bentham, Esq. for Expences incurred by him in erecting a Prison at Sheerness	389	16	0
Thomas Nicholas Wittwer, Esq. for examining and investigating East India Accounts one Year, to the 7th September 1809	426	12	0
the Magistrates of the Thames Police Office, for the Expences incurred in carrying into effect a Plan for the better security of the Shipping in the Port of London	316	16	0
Edward Walmisley, Esq. to be by him distributed amongst the several Persons concerned in preparing the 38th and 39th Volumes of the Lords Journals for the Press	249	8	0
George Dickens, Esq. Comptroller of the Stationary Office, for Stationary sent out to the Cape of Good Hope in 1808	336	10	0
James Read, Esq. towards defraying the Expence of carrying into effect a Plan for the Establishment of a Horse Patrol, one Quarter, to 5th April 1810	1,546	17	0
o William Chinnery. Esq. to be by him paid to Messrs. Gurney, for Expences on Committees of the Houses of Parliament, in Session 1809	371	12	0
James Read, Esq. towards defraying the Expences of Special Constables employed during the late Disturbances	1,034	5	0
o the Representatives of the late Charles Morris, Surveyor General of Lands for the Province of Nova Scotia, in consequence of an under computation in his Accounts	193	13	6

SERVICES ABROAD.

o pay Bills drawn from Sicily for Allowances to Toulonese and Corsican Emigrants 1809	6,000	0	0
o pay Bills drawn on account of certain retired Dutch Officers	15,744	10	0
o pay Bills drawn from Jersey, on account of French Emigrants 1810	4,400	0	0
or His Majesty's Foreign and other Secret Services 1809,10	120,343	3	9
or exploring the interior of Africa	500	0	0
or repairing and maintaining British Forts and Settlements on the Coast of Africa	23,000	0	0
pay Bills drawn from New South Wales 1809,10	53,193	0	0
owards rebuilding the Light-house at Heligoland	7,716	0	0

	£.	s.	d.
For the Civil Establishment of Upper Canada 1810	10,450	0	0
Nova Scotia	5,082	10	0
New Brunswick	5,600	0	0
Bahamas	3,700	0	0
Bermudas 1809,10	468	16	6
Dominica	600	0	0
Newfoundland	5,925	0	0
New South Wales 1810	13,268	15	0
Prince Edward's Island	2,800	0	0
Cape Breton	2,060	0	0
	£.2,270,867	13	11

VI.—PUBLIC FUNDED DEBT.

Progress made in the Redemption of the PUBLIC DEBT *of* IRELAND, *Funded in* GREAT BRITAIN, *at* 1st *February* 1811.

FUNDS.	CAPITALS. £.	s.	d.	Redeemed by the Commissioners at the 1st Feb. 1811. £.	TOTAL SUMS paid. £.	s.	d.	Average Price of Stocks.	SUMS annually applicable to the Reduction of the DEBT.	£.	s.	d.
Consolidated 3 per cent. Annuities	30,799,125	0	0	3,729,716	2,374,386	9	4	63⅝	Annuity of 1 per cent. on Capitals created	621,571	14	0
Reduced do.	24,848,750	0	0	3,999,966	2,533,464	14	6	63⅜				
Consolidated 4 per cent. do.	5,054,375	0	0						Dividend on £.7,729,682 3 per cent. Annuities ..	231,890	9	2
Do 5 per cent. do	572,000	0	0									
	61,274,250	0	0	7,729,682	4,907,851	3	10	63½		853,462	3	2
Redeemed by the Commissioners.	7,729,682	0	0						Bank Long Annuities which will expire 5th July 1860 ..	104,083	6	8
DEBT Unredeemed 1st Feb. 1811.	53,544,568	0	0									

Progress made in the Redemption of the IMPERIAL DEBT, *at* 1st *February* 1811.

FUNDS.	CAPITALS. £.	s.	d.	Redeemed by the Commissioners at the 1st Feb. 1811. £.	TOTAL SUMS paid. £.	s.	d.	Average Price of Stocks.	SUMS annually applicable to the Reduction of the DEBT.	£.	s.	d.
Imperial 3 per cent. Annuities .	7,502,633	6	8	1,122,089	679,394	7	4	60½	1 per cent. on Capital created	36,693	0	
Redeemed by the Commissioners .	1,122,089	0	0						Dividend on £.1,122,089 3 per cent. Annuities ..	33,662	13	
Unredeemed at 1st February 1811 .	6,380,544	6	8							70,355	13	
									Imperial Annuities which will expire 1st May 1819 ...	230,000	0	

Progress made in the Redemption of the PORTUGUESE DEBT, *at the* 1st *February* 1811.

FUNDS.	CAPITALS. £.	s.	d.	Redeemed by the Commissioners at the 1st Feb. 1811. £.	TOTAL SUMS paid. £.	s.	d.	Average Price of Stocks.	SUMS annually applicable to the Reduction of the DEBT.	£.	s.	d.
Reduced 3 per ct. Annuities	895,522	7	9	67,205	45,979	3	11	68½	Annual Appropriation	30,000	0	
Redeemed by the Commissioners.	67,205	0	0						Dividend on £. 67,205 3 per cent. Annuities .	2,016	3	
Unredeemed at 1st February 1811.	828,317	7	9							32,016	3	

at First of February

FUNDS.	CAPITALS. £.	s.	d.	Redeemed by the Commissioners from 1st August 1786, to 1st Feb. 1811. £.	TOTAL SUMS paid. £.	s.	d.	Average Price of Stocks.
Consol. 3 per cent. Anns.	585,166,558	4	5¼	68,806,933	43,014,946	12	10	62½
....Do. pro 1807	8,400,000	0	0	1,763,351	1,173,176	11	8	66½
Reduced 3 per Cent. Ann. .	166,748,522	0	1	81,889,595	51,092,032	9	8	62⅜
....Do. pro 1807	8,400,000	0	0	2,023,744	1,355,618	15	2	66⅞
Old South Sea Annuities. New....Do...........	24,065,084	13	11½	8,274,000	5,799,841	10	6	70⅛
3 per Cent.....Do. 1751...	1,919,600	0	0	854,000	615,096	15	0	72
Consol. 4 per Cent. Ann.....	66,457,321	2	2	7,796,400	6,586,934	8	9	84½
..Do...5 per Cent. do.	65,286,512	1	4	142,000	126,998	7	6	89⅜
,.Do...pro 1807	1,272,000	0	0	—	—			
5 per Cent. Annuities 1797 & 1802	1,836,703	17	6	—	—			
3 per Cent.....do. 1726....	1,000,000	0	0	—	—			
....Do.....Bank Ann.	11,686,800	0	0	—	—			
£.	742,239,101	19	5¾	171,555,023	109,764,645	11	1	
Transferred to the Commissioners by reason of Land Tax Redeemed	23,706,091	16	9					
	718,533,010	2	8¾					
....Do....for the Purchase of Life Annuities pursuant to Act 48th Geo. 3.	1,315,289	0	0					
	717,217,721	2	8¾					
Redeemed by the Commissioners	171,555,023	0	0					
DEBT Unredeemed at 1st February 1811.	545,662,698	2	8¾					

SUMS annually applicable to the Reduction of the NATIONAL DEBT.	£.	s.	d.
Annual Charge, per 26 Geo. 3	1,000,000	0	0
....Do...........42 do. ..	200,000	0	0
Anns. for 99 & 96 Y. exp. 1792	54,880	14	6
Do. for 10 Years..do. 1787.	25,000	0	0
Life Annuities Unclaimed for 3 Years, or of which the Nominees shall have died prior to 5th July 1802 ...	50,952	15	7
Dividend on £. 159,824,528 at 3 per Cent.	4,794,735	16	9
....Do. ...on £. 7,796,400 at 4 per Cent.	311,856	0	0
....Do. on £. 142,000 Navy, at 5 per Cent.	7,100	0	0
Annuity of 1 per Cent. on part of Capitals created since 1st February 1793 .	4,039,491	0	3½
Annual Amount payable for Reduction of £ 12,000,000 pro 1807................	626,255	10	5
Dividend on £. 3,792,095 3 per cent. on Acc. of do.	113,762	17	0
Dividend on £. 1,315,289 transferred for Purchase of Life Annuities, 3 per ct. .	39,458	13	4
	11,263,493	7	10½
Deduct Life Annuities granted on £. 1,315,289 transferred to the Commissioners .	91,543	14	6
	11,171,949	13	4½

ANNUITIES Fallen in since the 22d June 1802, or that will fall in hereafter.	£.	s.	d.
Exchequer Annuities, 2d and 3d Anne; expired 5th April 1803..........	23,369	13	4
Do...do. 5th Jan. 1805 .	7,030	6	8
Do. 4 Anne do. 5th April 1805	23,254	11	6
Do. 5 Anne do. 5th April 1806	7,776	10	0
Do. 6 Anne do. 5th April 1807	4,710	10	0
Do. 6 Anne do. 5th July 1807	10,181	0	0
Bank Short Anns. do. 5th January 1808	418,333	0	11
Do. Long do. will expire 5th July 1860	1,099,102	12	0½
By an Act 42 Geo. III. cap. 71. such Annuities as fall in after passing that Act are not to be placed to the Account of the Commissioners for the Reduction of the National Debt			

VI.—PUBLIC FUNDED DEBT.

Public Funded Debt of Great Britain, *as the same stood on the 1st of February* 1811.

TOTAL DEBT UNREDEEMED.		£.	s.	d.
Bank of England and Annuities 1726	At 3 per cent.	12,686,800	0	0
South Sea Old and New Annuities, 1751	Ditto	16,856,684	13	11
Consolidated Annuities	Do.	343,133,040	16	6
Reduced Annuities	Do.	101,199,990	5	8
Consolidated Annuities	At 4 per cent.	63,715,296	2	2
Consolidated Annuities	At 5 per cent.	66,988,512	1	4
Annuities, 1797 and 1802	Do.	1,836,703	17	6
Total Capitals		606,416,127	17	1
Annual Interest		20,206,141	2	1
Annuities for Lives, or for Terms of Years		1,498,757	19	1
Charges of Management		231,115	8	4
Annuities fallen in, or dead, and 1 per cent. on Annual Grants		12,197,682	0	0
Total Charge for Debt payable in Grat Britain		34,133,696	9	7

VII.—UNFUNDED DEBT.

An Account of the Unfunded Debt *and* Demands Outstanding *on the 5th Day*
January 1811.

Exchequer Bills: Under what Acts issued.	On what Funds charged.	Amount Outstanding.					
48 Geo. III. cap. 3.	Aids, &c. - - Bank	£. 3,000,000	0	0			
Ditto cap. 53.	Do. - - - - Do.	3,000,000	0	0			
49 Geo. III. cap. 114.	Supplies - - - 1810	320,500	0	0			
50 Geo. III. cap. 1.	Malt and Personal Estates 1810	500,000	0	0			
Ditto cap. 2.	Supplies 1809	10,500,000	0	0			
Ditto cap. 3.	Ditto	1,500,000	0	0			
Ditto cap. 69.	Ditto	3,611,700	0	0			
Ditto cap. 70.	Aids 1810	14,854,100	0	0			
Ditto cap. 114.	Supplies 1811	1,000,000	0	0			
					38,286,300	0	
Treasury:							
Miscellaneous Services		971,730	4	10			
Warrants for Army Services		136,231	3	6			
Treasury Bills accepted previous to and on the 5th Jan. 1811, due subsequent to that day		939,505	2	8			
					2,047,466	11	
Army:							
Ordinary Services		1,182,490	10	10			
Extraordinary Services		Nil.					
					1,182,490	10	1
Barracks		-	-	-	393,704	3	
Ordnance		-	-	-	1,089,441	11	9
Navy		-	-	-	7,595,838	11	5
Civil List Advances		-	-	-	24,706	9	6
					£. 50,619,947	16	1

VIII.—DISPOSITION OF GRANTS.

Account, shewing how the Monies, *given for the* Service *of the Year* 1810, *have been disposed of; so far as relates to* Great Britain.

SERVICES.	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.	Remains to be Paid. £.	s.	d.
[illegible]	19,237,934	5	11	19,237,934	5	11			
ance	3,925,977	2	5	3,925,977	2	5			
es	17,073,196	0	4	17,073,196	0	4			
of Credit	3,000,000	0	0	3,000,000	0	0			
is Sicilian Majesty, for the Year 1810	400,000	0	0	400,000	0	0			
dvances to the Government of Portugal, d for the maintenance of 30,000 Portu- ese Troops	980,000	0	0	980,000	0	0			
nake good the like Sum, which has been sued by his Majesty's Orders, pursuant to ddresses of the House of Commons, and hich has not been made good by Parlia- ent	15,165	2	6	15,165	2	6			
l Establishments	2,884,822	16	6¾	2,625,359	6	4¼	259,463	10	2½
	£.47,517,095	7	8¾	47,257,631	17	6¼	259,463	10	2½

	£.	s.	d.
ments for other Services, not being part of the Supplies granted for the Service of he Year	£.116,273	1	6¾

Ways *and* Means *for answering the foregoing* Services.

	£.	s.	d.
ies on Malt, Sugar, Tobacco, and Snuff, and on Pensions, Offices, &c. continued	3,000,000	0	0
plus Consolidated Fund, at 5th January and 5th April 1810, after satisfying £. 4,000,000 granted for the Service of the Year 1809	2,661,602	12	7¾
imated Surplus of the Consolidated Fund to 5th April 1811	4,400,000	0	0
r Taxes	19,500,000	0	0
imated Profits of Lotteries	230,000	0	0
plus of Exchequer Bills, granted in 1810, to pay off others issued in 1809, but which were funded pursuant to Acts 50 Geo. 3, cap. 23. and 36	3,862,900	0	0
r Taxes, 1809, being the amount of Exchequer Bills charged thereon, funded pursuant to the above Acts	1,448,100	0	0
an, (Part of £. 12,000,000.) the remainder being for the Service of Ireland	8,000,000	0	0
chequer Bills on Vote of Credit	3,000,000	0	0
erest on Land Tax Redeemed	6,000	0	0
	46,108,602	12	7¾
tal Sum granted, as per preceding Account	47,517,095	7	8¾
id for Services not voted	116,273	1	6¾
	47,633,368	9	3½
nount of Ways and Means, as per Do	46,108,602	12	7¾
eficiency of Ways and Means	1,524,765	16	7¾

Note.—There is a Sum due from Ireland on account of its Contribution of 2-17ths to the General Expenditure of the United Kingdom, in the Year ended 5th January last, exceeding this Deficiency.

FINANCE ACCOUNTS OF IRELAND,

FOR THE

YEAR ENDED FIFTH OF JANUARY, 1811.

I.—PUBLIC

HEADS OF REVENUE.	Gross Receipt within the Year.			Total Receipt to be Accounted for.			Re-payments, Drawbacks, Discounts, &c.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Ordinary Revenue.												
Customs	2,206,301	9	11¼	2,382,463	4	11½	268,889	2	3½	445,076	18	3¾
Excise	1,976,998	0	0	2,749,155	18	10⅛	194,113	3	3⅜	278,432	7	5⅛
Stamps	716,740	1	9½	831,709	5	8¼	24,775	19	9	53,050	14	2½
Post Office	195,531	9	2	235,254	15	0	16,692	12	11	100,947	3	11½
Poundage Fees	26,240	0	5¾	26,240	0	5¾	-	-	-	-	-	-
Pells Fees	5,247	19	10¾	5,247	19	10¾	-	-	-	-	-	-
Casualties	3,551	1	0½	3,551	1	0½	-	-	-	-	-	-
Total Ordinary Revenue	5,130,610	2	3¾	6,233,622	5	11⅜	504,470	18	2⅞	877,507	3	10⅜
Extraordinary Resources.												
Gain by Exchange on Sums received from Great Britain	3,389	1	7½	3,389	1	7½	-	-	-	-	-	-
From the Commissioners of the Navy on account of Advances made by several Collectors in Ireland, for Seamen's Wages, &c.	48,060	17	9	48,060	17	9	-	-	-	-	-	-
Paymasters General on account of Advances made by several Collectors in Ireland, &c.	2,750	19	2	2,750	19	2	-	-	-	-	-	-
Great Britain, on account of the Profit of Lotteries for 1809	188,951	7	8	188,951	7	8	-	-	-		-	-
County Treasurers, paid to Revenue Collectors	-	-	-	20,852	5	4	-	-	-	-	-	
County Treasurers, paid to Revenue Collectors, on account of Deficiencies	-	-	-	1,375	7	0½	-	-	-	-	-	-
Other Monies paid to the Public	7,340	9	5	7,340	9	5	-	-	-	-	-	-
Appropriated Duties for Local Objects.												
Linen Manufacture	821	4	10½	1,052	6	0½	7	18	2	-	-	-
Improvement of Dublin	10,960	15	10	10,960	18	4	-	-	-	-	-	-
Repairs of the Royal Exchange and Commercial Buildings	1,733	15	0	2,101	10	2	-	-	-	-	-	-
Lagan Navigation	4,705	6	10	4,740	6	10¼	1,223	8	0	174	1	11
Inns of Court	2,888	3	4	2,888	3	4	-	-	-	-	-	-
Total independent of Loans	5,402,212	3	9¾	6,528,085	18	8⅛	505,702	4	4⅞	877,681	5	9
Loans paid into the Exchequer in the Year ended the 5th of January 1811	5,653,557	7	6¼	5,653,557	7	6¼	-	-	-	-	-	-
Grand Total	11,055,769	11	4	12,181,643	6	2⅜	505,702	4	4⅞	87781	5	9

SS

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COME.

al Payments ut of the s Revenue.			Net Produce, applicable to National Objects and to Payments into the Exchequer.			Payments on Account of Militia, Deserters, Straggling Seamen, Army of Reserve, and Fortification Compensation.			Bounties for promoting the Fisheries, Linen Manufacture, &c.			Total Payments out of the Net Produce.			Payments into the Exchequer.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
.966	0	6¾	1,668,497	4	4¾	-	-	-	41,835	14	1½	41,835	14	1½	1,513,462	11	4½
545	10	8½	2,276,610	8	2⅛	131,829	7	1¼	12,649	10	1½	144,478	17	9¾	1,371,898	0	4¼
826	13	11½	753,882	11	8¾	-	-	-	-	-	-	-	-	-	609,826	5	4¾
639	16	10½	117,614	18	1½	-	-	-	-	-	-	-	-	-	84,000	0	0
-		-	26,240	0	5¾	-	-	-	-	-	-	-	-	-	26,240	0	5¾
-		-	5,247	19	10¾	-	-	-	-	-	-	-	-	-	5,247	19	10¾
-		-	3,551	1	0½	-	-	-	-	-	-	-	-	-	3,551	1	0½
.978	2	1¼	4,851,644	3	18⅛	131,829	7	1¼	54,485	4	10	186,314	11	11¼	3,614,135	18	6½
-		-	3,389	1	7½	-	-	-	-	-	-	-	-	-	3,389	1	7½
-		-	48,060	17	9	-	-	-	-	-	-	-	-	-	48,060	17	9
-		-	2,750	19	2	-	-	-	-	-	-	-	-	-	2,750	19	2
-		-	188,951	7	8	-	-	-	-	-	-	-	-	-	188,951	7	8
-		-	20,852	5	4	-	-	-	-	-	-	-	-	-	20,852	5	4
-		-	1,375	7	0½	-	-	-	-	-	-	-	-	-	1,375	7	0½
-		-	7,340	9	5	-	-	-	-	-	-	-	-	-	7,340	9	5
7	18	2	1,044	7	10½	-	-	-	-	-	-	-	-	-	1,036	15	10
-		-	10,960	18	4	-	-	-	-	-	-	-	-	-	10,910	17	0
-		-	2,101	10	2	-	-	-	-	-	-	-	-	-	1,709	7	6
1,397	9	11	3,342	16	11¼	-	-	-	-	-	-	-	-	-	2,750	0	0
-		-	2,888	3	4	-	-	-	-	-	-	-	-	-	2,888	3	4
3,383	10	2¼	5,144,702	8	5⅞	131,829	7	1¼	54,485	4	10	186,314	11	11¼	3,906,151	10	2½
-		-	5,653,557	7	6¼	-	-	-	-	-	-	-	-	-	5,653,557	7	6¼
3,383	10	2¼	10,798,259	16	0⅛	131,829	7	1¼	54,485	4	10	186,314	11	11¼	9,559,708	17	8¾

II.—CONSOLIDATED FUND.

	INCOME. £.	s.	d.
Balance on the Consolidated Fund remaining in the Exchequer, on the 5th January 1810	1,365,822	8	11½
Custom and Excise Duties, including Quit Rents and Payments on account of dismissed and deceased Collectors	2,877,358	10	11¼
Stamp Duties	609,826	5	4¾
Post Office Revenue	84,000	0	0
Poundage Fee	26,240	0	5¾
Pells Fee	5,247	19	10¾
	4,968,495	5	8
Repayments from Great Britain for Advances for Seamen's Wages	50,811	16	11
Repayment of Advances for enrolling Militia	27,164	4	9
Fines levied on Parishes for deficiencies of Men for the Army of Reserve	2,975	8	5
Gain by Exchange on Sums received from Great Britain	3,389	1	7½
Other Monies paid to the Public	10,891	10	5½
EXTRAORDINARY RESOURCES.			
On account of Loans	5,653,557	7	6¼
From Great Britain, being ⅓ of the Profit on the Lotteries for 1809	188,951	7	8
	10,906,236	3	0¼

	ACTUAL PAYMENTS. £.	s.	d.	CHARGE. £.	s.	d.
Interest on Funded Debt, including Annuities and Management	3,153,387	0	10¾	3,153,387	0	10¾
Interest on Unfunded Debt	32,118	13	0	32,136	3	5
Sinking Fund and Management	912,238	15	7	912,238	15	7
Principal of Debentures	-	-	-	2,225	0	0
Principal of Exchequer Bills	541,666	13	4	542,025	0	0
Lottery Prizes	89	0	0	261,153	0	0
Discount on Prompt Payment of Loan Deposites, &c.	21,190	18	4	21,190	18	4
Inland Navigations	35,169	18	6¼	35,169	18	6¼
Board of First Fruits	33,949	4	5	33,949	4	5
Premium for raising Flax Seed	21,666	13	4	21,666	13	4
Improving Post Roads	26,001	4	6	26,001	4	6
Repayment of Fines levied for Deficiencies of Men for Army of Reserve	1,040	0	0	1,040	0	0
Balance on Contribution Account for the Year 1809	1,375,833	6	8	1,375,833	6	8
	6,154,351	8	7	6,183,016	5	8
Civil List	147,822	2	6¾	Unascertained.		
Pensions	85,038	11	5			
Permanent Parliament Grants	197,011	16	8½			
Military Purposes	3,466,856	14	7¼			
Vote of Credit	169,804	9	8			
Annual Grants	424,386	16	11½			
	10,645,272	0	6	Unascertained.		
SURPLUS of Consolidated Fund on 5th Jan. 1811	260,964	2	6¼			
	10,906,236	3	0¼			

III.—ARREARS AND BALANCES.

	£.	s.	d.
ces due on 5th of Jan. 1811, from deceased and dismissed Collectors of Customs	55,672	13	6⅞
o..............Ditto....................................... of Excise	140,007	2	4½
o..............Ditto.............................. Hearth-money Collectors	62,449	17	3¾

IV.—TRADE AND NAVIGATION.

Value of IMPORTS *and* EXPORTS, *for three Years.*

	OFFICIAL VALUE of IMPORTS.			OFFICIAL VALUE of Irish Produce and Manufactures Exported.			OFFICIAL VALUE of Foreign and Colonial Merchandize Exported.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
ending 5th Jan. 1809	7,129,057	11	1¾	5,696,897	5	5¼	235,694	6	11¾
1810	7,471,417	5	1	5,408,910	19	9¼	330,933	5	4
1811	6,564,578	8	0½	5,471,012	15	0¼	627,472	16	10½

—The real Value of Irish Produce and Manufactures Exported in the Year ending the 5th Jan. 1811, computed at the Average Prices current, amounted to £. 10,781,050 8 11

ber of VESSELS, *with the Amount of their* TONNAGE, *that were built and registered in the several Ports of* IRELAND, *in three Years.*

	VESSELS.	TONNAGE.
ending 5th January 1809	32	1,235
1810	31	1,643
1811	21	1,331

ber of VESSELS, *with the Amount of their* TONNAGE, *and Number of* MEN *and* BOYS *ually employed in navigating the same, which belonged to the several Ports of* IRELAND, *on e 30th September 1810.*

VESSELS.	TONNAGE.	MEN.
1,126	58,646	5,416

ber of VESSELS, *with the Amount of their* TONNAGE, *that entered* INWARDS *and cleared* UTWARDS *in the several Ports of* IRELAND, *from or to all Parts of the World, in the ree Years ending 5th of January* 1811.

	INWARDS. IRISH			INWARDS. BRITISH.			INWARDS. FOREIGN.		
ars ending 5th January,	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
1809	1,583	111,614	7,485	7,189	696,403	38,426	159	25,356	1,580
1810	1,546	103,698	7,217	5,975	535,299	30,648	343	56,946	3,525
1811	1,982	130,991	8,983	7,514	673,540	38,536	660	119,188	6,643
	OUTWARDS.								
ars ending 5th January,									
1809	1,405	108,435	7,221	6,473	641,157	35,715	163	27,856	1,591
1810	1,527	109,144	7,398	5,877	538,699	30,477	333	56,267	3,225
1811	1,341	125,389	8,650	6,931	627,012	35,595	639	117,414	6,312

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. For Interest on the Funded Debt of Ireland, including Annuities for Lives and Terms of Years; also £. 1 per Cent. for the Reduction of the Capital created by Loans since 1797, (A. 1 & 2.)	3,979,540	6	2½						
For Charge of Management thereon	-	-	-	18,450	1	11¼			
There was also applied towards the Reduction of the National Debt	67,635	8	4						
	4,047,175	14	6½						
Whereof was applied towards the Reduction of the National Debt	1,286,144	1	6½						
Total on account of Interest	2,761,031	13	0						
Ditto, for Charge of Management	18,450	1	11¼						
Ditto, on account of the Reduction of the National Debt	1,286,144	1	6½						
				-	-	-	4,065,625	16	
II. Interest on Exchequer Bills (B.)	-	-	-	-	-	-	32,118	13	0
III. Issues for the separate service of Ireland (C.)	-	-	-	-	-	-	1,965,821	2	10
IV. Issues from Appropriated Funds for Local Purposes (D.)	-	-	-	-	-	-	21,815	18	6
V. Civil List	-	-	-	147,822	2	6¾			
V. Pensions	-	-	-	85,038	11	5			
V. Other Permanent Charges (E.)	-	-	-	197,011	16	8½			
							429,872	10	
VI. Payments in Anticipation of Exchequer Receipts: (F. 1 & 2.) viz.									
Bounties from Customs	41,835	14	1½						
Bounties from Excise	12,649	10	8½						
				54,485	4	10			
Militia and Deserters Warrants, &c.	-	-	-	131,829	7	1¼			
							186,314	11	
VII. Ordnance (G.)	-	-	-	-	-	-	525,404	17	
VIII. Army, (H.) Ordinary Service; viz.									
Regulars, Militia, and Volunteer Corps, &c.	-	-	-	1,964,769	19	10½			
Commissariat Establishment	-	-	-	134,354	6	4¼			
Barracks	-	-	-	483,346	7	9¼			
Staff Officers and Officers of Garrisons	-	-	-	59,311	18	6			
Half Pay, Supernumerary, and retired Officers	-	-	-	23,439	11	8¾			
Officers Widows	-	-	-	4,131	5	6½			
Royal Hospital, Kilmainham	-	-	-	71,941	10	10½			
Public Officers, their Deputies, Clerks, and Contingent Expences	-	-	-	9,239	1	9¼			
				2,750,534	2	5			
Extraordinary Service	-	-	-	190,917	14	6¾			
				2,941,451	16	11¾			
IX. Miscellaneous Services, (I.)	-	-	-	55,172	13	2¾			
Lastly, Vote of Credit, (K.)	-	-	-	169,804	9	8			
							4,768,021	0	
				Total			10,853,400	10	

A)—MONIES *paid out of the Receipt of the Exchequer, in the Year ending the 5th Jan.* 1811, *towards defraying the Charge of the* PUBLIC FUNDED DEBT *of* IRELAND.

	Interest and Annuities for Lives and Terms of Years, &c.			Charge of Management.		
	£.	s.	d.	£.	s.	d.
t, &c. on the Public Funded Debt of Ireland	3,979,540	6	2½	18,450	1	11¼
	18,450	1	11¼			
	3,997,990	8	1¾			
Issue for the Reduction of the National Debt	67,635	8	4			
	4,065,625	16	5¾			

.)—*Total Amount of the Sums actually received by the Commissioners for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1811.

	In Great Britain.			In Ireland.		
	£.	s.	d.	£.	s.	d.
al Issue	-	-	-	67,635	8	4
ed Annuities	-	-	-	28,544	11	10¼
priation of 1 per Cent. per Annum on Loans since 1797	632,309	12	9	183,086	3	7¼
	632,309	12	9	279,266	3	10
est on Debt of Ireland redeemed	223,047	8	6½	151,520	16	5
	855,357	1	3½	430,787	0	3
	430,787	0	3			
	1,286,144	1	6½			

—*Interest on* EXCHEQUER BILLS, *with the Payments made in the Year from the 5th Jan.* 1810 *to the 5th Jan.* 1811.

	£.	s.	d.
e remained Interest on Exchequer Bills unclaimed on 5th January 1810	17	10	5
Charge for Interest at 5 per Cent.			
£.114,062 10*s.* 0*d.* from 25th September 1809 to 25th September 1810	5,703	2	6
£.541,666 13*s.* 4*d.* from 4th January 1810 to 24th December following	26,415	10	6
	32,136	3	5
uct Interest unclaimed on the 5th January 1811	17	10	5
l Payments for Interest on Exchequer Bills, in the Year to 5th January 1811	32,118	13	0

)—*Payments made in the Year ending the 5th of January* 1811, *for the separate Service of* IRELAND.

	£.	s.	d.
r improving Post Roads in Ireland	20,001	4	6
payment of Fines levied for deficiency of Men for the Army of Reserve	1,040	0	0
lance due by Ireland on Contribution for the Year 1809	1,375,833	6	8
ttery Prizes	89	0	0
incipal of Exchequer Bill	641,666	13	4
scount on prompt payment of Loan Deposits, &c.	21,190	18	4
	1,965,821	2	10

(D.)—*Payments made from the* FUNDS *appropriated for Local Purposes in* IRELAND, *from the 5th Jan.* 1810 *to 5th Jan.* 1811.

	£.	s.	d.
Linen Manufacture	1,526	12	9
Lagan Navigation	2,750	0	0
Improving Dublin	11,077	8	3
King's Inns	4,537	0	0
Royal Exchange and Commercial Buildings	1,922	17	6
	21,813	18	6

(E.)—*Payments in the Year to the 5th of January* 1811, *under the several Heads of Civi List, Pensions, and other permanent Charges.*

	£.	s.	d.	£.	s.	d
Arrear on Civil List on the 5th of January 1810	32,388	16	5½			
Charge for one Year to the 25th of December 1810	145,000	0	0			
	177,388	16	5½			
Deduct Arrear on the 5th January 1811	29,566	13	10¾			
Issued to the Civil List in one Year to the 5th of January 1811	-	-	-	147,822	2	6
Pensions	-	-	-	85,038	11	
Other Permanent Charges, viz.						
Public Infirmaries	3,250	0	0			
Public Coal Yards	4,866	9	6			
Army Baggage	6,839	10	6¼			
Police Establishment	15,211	16	10			
Inspector General of Prisons, &c.	2,789	10	1			
Transportation of Felons	5,899	3	2			
Fees on Auditing Treasury Accounts	1,065	19	6¾			
Imprest Office	2,630	18	6½			
Secret Service in detecting treasonable Conspiracies	9,278	7	0			
Annuities and Compensation Allowances	100,758	16	3¾			
Judges additional Salaries, &c.	39,597	4	0			
Commissioners of Enquiry	3,900	0	0			
Board of Education	300	0	0			
Lottery Expences	623	1	2¼			
				197,011	16	
				429,872	10	

(F. 1.)—*Amount of* BOUNTIES *paid out of the Public Revenue of Customs, in the Year endi the 5th of January* 1811, *being Payments in the nature of Anticipation of Exchequer Receipt*

	£.	s.
On Linen exported	17,819	14
Beef and Pork exported	5,823	2
Bark imported	1,381	2
Flax Seed imported	4,431	15
Foreign Fish imported	7,725	14
Fishing Vessels	4,360	14
Irish Fish Oil exported	277	6
Irish Coals brought Coastways to Dublin	16	4
	41,835	14

.)—*Amount of Payments out of the Revenue of Excise for* BOUNTIES, MILITIA, ARMY *of* ESERVE, DESERTERS WARRANTS, *&c. in the Year ending the 5th of January* 1811, *being ayments in the nature of Anticipation of Exchequer Receipts.*

	£.	s.	d.
ies to Distillers	£.6,063	9	0½
...to Spirit Retailers	6,586	1	8
ents for Militia	124,603	3	3½
.... Army of Reserve	5,115	16	11
.... Deserters Warrants	731	0	0
.... Fortifications	1,330	1	4¾
.... Expences on removing Convicts	49	5	6
	£.144,478	17	9¾

(G.)—*Monies paid to the Office of* ORDNANCE, *in the Year to the 5th January* 1811.

	£.	s.	d.
ments to the Ordnance for the Grants of 1810	£.525,404	17	7½

—*Monies paid on Account of His Majesty's* FORCES *in* IRELAND, *in the Year ending the 5th January* 1811.

	£.	s.	d.	£.	s.	d.
ments of the Line and Foreign Corps	769,109	17	7			
tia	932,123	1	4¾			
anteer Corps	247,201	17	11½			
tary Hospitals	10,202	4	10¼			
al Military Infirmary	4,617	17	11¾			
ciating and retired Chaplains	1,515	0	1¼			
				1,964,769	19	10½
nmissariat Establishment				134,354	6	4¼
racks				483,346	7	9¼
f Officers and Officers of Garrisons				59,311	18	6
f Pay Supernumerary and retired Officers				23,439	11	8¾
cers Widows				4,131	5	6½
al Hospital near Kilmainham				71,941	10	10½
lic Officers, their Deputies, Clerks and Contingent Expences				9,239	1	9¼
				2,750,534	2	5
raordinary Service				190,917	14	6¾
				2,941,451	16	11¾

)—*Payments in the Year ending the 5th of January* 1811, *for* MISCELLANEOUS SERVICES.

	£.	s.	d.
blic Officers for several Services	1,200	0	0
blic Hospitals and Schools	165,527	0	0
scellaneous Services	151,254	16	11½
blic Boards	106,405	0	0
and Navigations	35,169	18	6¼
ard of First Fruits, pursuant to 47 and 48 Geo. 3, ch. 23 and 103	33,949	4	5
unty for the saving of Flax Seed in Ireland, by 49 Geo. 3. ch. 29	21,666	13	4
	515,172	13	2¾

(K.)—*Payments from the* VOTE *of* CREDIT *in the Year ending 5th Jan.* 1811.

	£.	s.	d.
Amount of Payments from the Vote of Credit	£.169,804	9	8

VI.—PUBLIC FUNDED DEBT.

Public Funded Debt of Ireland, *as the same stood on the 5th of January* 1811.

	British Currency.			Irish Currency.		
	£.	s.	d.	£.	s.	d.
Sums raised	64,682,850	2	11			
Payable in Dublin:						
£.3 10*s.* per Cent. per Annum	-	-	-	8,180,972	17	1
£.4 per Cent. per Annum	-	-	-	227,600	0	0
£.5 per Cent. per Annum	-	-	-	12,881,648	11	3
Payable in London.						
£.5 per Cent. per Annum	1,900,000	0	0	2,058,333	6	8
£.3 per Cent. Consolidated Annuities	30,799,125	0	0	33,365,718	15	0
£.3 per Cent. Reduced Annuities	24,848,750	0	0	26,919,479	3	4
£.4 per Cent. Consolidated Annuities	5,054,375	0	0	5,475,572	18	4
£.5 per Cent. Consolidated Navy Annuities	572,000	0	0	619,666	13	4
Annual Charge.						
Annual Interest	3,100,999	6	8			
Annuities on Lives or Terms of Years	188,188	3	10			
Charge of Management	23,113	6	3½			
Pursuant to Act of 37 Geo. 3. for Redemption of Debt then existing	113,678	2	0			
By Acts providing 1 per Cent. for Redemption of Debts created since 1797	847,345	1	10½	Total Principal		
Total of Annual Expences	4,273,324	0	8	89,728,992	5	[illegible]

An Account of the Progress made in the Reduction *of the* Public Funded Debt *of* Ire-land, *to the 5th of January* 1811.

	£.	s.	
Stock Redeemed by Sinking Fund	3,972,261	15	6
Total Sums Paid	3,223,196	13	5

Sums Annually applicable in Ireland to the Reduction of the National Debt,

Annual Income of each Loan	287,640	4	[illegible]
Annual Interest on Stock Redeemed	165,682	5	1

At the Establishment of the Sinking Fund, £.100,000 per Annum was granted for the then existi Debt;—£.32,364. 11*s.* 8*d.* of which was appropriated to the Reduction of Money borrowed for Irelan by the government of Great Britain, in the year 1797; and £.67,635. 8*s.* 4*d.* with £.46,042. 13*s.* 8 per Annum expired Annuities, which fell in afterward, to Remainder of the Debt due by Ireland, pri to the year 1797, without any References to the Amount.

The Money borrowed for Ireland by the government of Great Britain is not included in the abo Statement, being settled for in England by the Lords of the Treasury of Ireland, and can only be pr cured from the Commissioners for reducing the National Debt of England.

VII.—UNFUNDED DEBT.

Account of the UNFUNDED DEBT *of* IRELAND, *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1811.

	£.	s.	d.	£.	s.	d.
LOAN DEBENTURES:						
ue of Debentures bearing £. 4 per Cent. Interest to the Year 88, provided for by the 27 and 28 Geo. 3, but unclaimed by Proprietors; viz.						
Loan	275	0	0			
by Lottery 1780	1,220	0	0			
by Lottery 1781	730	0	0			
				(a) 2,225	0	0
EXCHEQUER BILLS:						
tanding Exchequer Bills, provided for by several Acts of Parment, but not claimed by the Proprietors.						
ble 24 June 1783	8	6	8			
- - Ditto 1790	50	0	0			
- - Ditto 1791	100	0	0			
- - Ditto 1801	50	0	0			
- - Ditto 1803	150	0	0			
				(a) 358	6	8
equer Bills not in course of Payment, by 49 Geo. 3, ch. 78, ued as a Premium attached to a Loan of £. 1,250,000 payle 25th March 1813				(b) 114,062	10	0
LOTTERY PRIZES.						
tanding Lottery Prizes of the several Lotteries from 1782 to 1801				(a) 26,064	0	0
Total				142,709	16	8

(a) Provision has been made for these Sums by several Acts of Parliament.
(b) To be provided for.

VIII.—DISPOSITION OF GRANTS.

Account, shewing how the MONIES, *granted for the* SERVICE *of the Year* 1810, *have been disposed of; so far as relates to* IRELAND; *stated in Irish Currency.*

SERVICES.	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
ces	3,502,885	6	4¼	2,941,341	16	11¾	561,543	9	4½
nance	525,404	17	7½	525,404	17	7½	——		
lic Officers for several Services	1,200	0	0	1,200	0	0	——		
cellaneous	414,043	4	10	151,254	16	11½	272,788	7	10½
lic Boards	106,405	0	0	106,405	0	0	——		
lic Hospitals and Schools	165,527	0	0	165,527	0	0	——		
£.	4,715,465	8	9¾	3,891,243	11	6¾	857,211	1	6

END OF THE FINANCE ACCOUNTS FOR 1811.

Account of all EXEMPTIONS *granted to* FOREIGNERS, *in respect of the* DUTY *on* DIVIDENDS *on the various* FUNDS *of Great Britain, and on the* DIVIDENDS *of the East Indi and South Sea Companies; under the* PROPERTY TAX; *from the Quarter ending* i *October* 1809, *to the Quarter ending in January* 1811.

Payable on 5th January 1810.

	PRINCIPAL.			DIVIDEND.			DUTY.	
	£.	s.	d.	£.	s.	d.	£.	s.
3 per Cent. Consolidated Annuities	12,185,848	12	11	182,786	16	10	18,277	9
5 per Cent. Navy Annuities...............	240,831	18	0	6,020	14	8	601	15
East India Stock	449,725	3	3	23,610	10	9	2,360	16
South-Sea Stock	1,121,000	1	4	19,617	0	1	1,961	0
South-Sea Annuities 1751	155,539	14	6	2,333	1	5	233	5
New South-Sea Annuities	519,942	11	4	7,799	1	1	779	16
3 per Cent. Annuities 1726...............	83,358	19	6	1,250	7	5	125	0
3 per Cent. Imperial Annuities	65,513	11	9	982	14	0	98	5
Imperial Annuities.......................	1,416	5	0	708	2	6	70	16
Irish Tontine Annuities	-	-	-	1,000	10	7	99	19
Exchequer Annuities	-	-	-	757	7	6	75	14
	Total.........£.			246,866	6	10	24,683	19

Payable on 5th April 1810.

	PRINCIPAL.			DIVIDEND.			DUTY.	
	£.	s.	d.	£.	s.	d.	£.	s.
3 per Cent. Reduced Annuities	2,279,424	13	10	34,191	10	9	3,418	14
4 per Cent. Annuities	920,989	8	0	18,419	14	8	1,841	15
Old South-Sea Annuities	487,701	17	10	7,315	8	9	731	8
Long Annuities	7,363	15	6	3,681	17	5	368	2
5 per Cent. Annuities 1797	38,407	16	5	960	0	2	95	18
5 per Cent. Irish Annuities	47,770	0	0	1,194	5	0	119	8
Irish Annuities..........................	-	-	-	165	9	4	16	10
Exchequer Annuities	-	-	-	43	5	8	4	6
	Total.........£.			65,971	11	9	6,596	4

Payable on 5th July 1810.

	PRINCIPAL.			DIVIDEND.			DUTY.	
	£.	s.	d.	£.	s.	d.	£.	s.
3 per Cent. Consolidated Annuities	12,119,875	11	6	181,798	18	0	18,178	9
5 per Cent. Navy Annuities	387,892	12	10	9,695	9	3	969	10
East India Stock	425,825	16	3	22,355	13	10	2,235	7
South-Sea Stock	1,168,528	5	8	20,449	2	6	2,044	13
South-Sea Annuities 1751	152,436	16	6	2,286	9	11	228	12
New South-Sea Annuities	521,036	9	3	7,815	9	7	781	8
3 per Cent. Annuities 1726	95,005	9	6	1,424	11	5	142	9
3 per Cent. Imperial Annuities	65,988	11	9	989	16	6	98	19
Imperial Annuities	1,053	5	0	526	12	6	52	13
Irish Tontine Annuities....................	-	-	-	286	11	5	28	12
Exchequer Annuities	-	-	-	203	15	0	20	5
	Total.........£.			247,832	9	11	24,781	2

Payable on 10th October 1810.

	PRINCIPAL.			DIVIDEND.			DUTY.	
	£.	s.	d.	£.	s.	d.	£.	s.
3 per Cent. Reduced Annuities	2,259,300	7	8	33,889	4	5	3,387	19
4 per Cent. Annuities	770,164	16	4	15,403	4	0	1,540	3
Old South-Sea Annuities	472,378	3	3	7,085	13	11	708	10
Long Annuities	6,520	14	7	3,260	7	0	325	19
5 per Cent. Annuities 1797	39,429	14	5	985	12	6	98	7
5 per Cent. Irish Annuities	43,820	0	0	1,095	10	0	109	11
Irish Annuities	—			—			—	
Exchequer Annuities	-	-	-	7	18	8		15
	Total.........£.			61,727	10	6	6,171	6

Total Amount of EXEMPTIONS:

	£.	s.	d.
e Quarter ending 5th January 1810	24,683	19	10
5th April —	6,596	4	9
5th July —	24,781	2	4
10th October —	6,171	6	3
	62,232	13	2

NCES *made by the* BANK *of* ENGLAND *to* GOVERNMENT, *on Land and Malt, Exchequer Bills, and other Securities; on the 5th of January* 1811.

	£.	s.	d.
&c. 1810	294,000	0	0
00,000 Supply 1810	1,500,000	0	0
v 1808	3,000,000	0	0
Loan	3,000,000	0	0
uced out of Sums issued for the Payment of Dividends	876,739	0	9
	£. 8,670,739	0	9

OUNT *of all the* DOLLARS *issued by the Bank of England; from the 8th February* 1810, *to the* 19*th Feb.* 1811.

	Dollars.
rs stamped in the years 1810 and 1811, and issued	1,970,274

OUNT *of the average Amount of* BANK NOTES *in the Years* 1798, 1799, 1800, 1801, *and* 1802.

	£. 5. and Upwards.	Under £. 5.	TOTAL.
798	10,920,400	1,786,000	12,706,400
799	12,048,790	1,626,110	13,674,900
800	13,421,920	1,831,820	15,253,740
801	13,454,370	2,715,180	16,169,550
802	13,917,980	3,136,470	17,054,450

OUNT *of the average Amount of* BANK NOTES *in Circulation, for Three Years, ending 5th January* 1811.

£. 5. and Upwards.	Under £. 5.	TOTAL.
14,265,850	5,283,330	19,549,180

OUNT *of the Amount of* BANK NOTES *in Circulation, at the beginning of February and August, in the Years* 1785 *and* 1786.

	£.
35:	
February 5	6,618,970
August 6	7,109,520
36:	
February 4	7,964,390
August 5	8,520,600

ORT FROM COMMITTEE OF THE HOUSE OF COMMONS ON THE OFFICE OF IGH BAILIFF OF WESTMINSTER.—*Ordered to be printed June* 11, 1811.

COMMITTEE appointed to enquire into, nd examine, the nature of the Office f High Bailiff of Westminster, and the Duties and Burthens incident thereto; nd to report the same to the House; have considered the matters to them referred; and have agreed upon the following Report.

our Committee find, that the office of bailiff of Westminster is held by ur Morris, esq. for life, by virtue of e distinct patents, granted to him by dean and chapter of the collegiate ch of St. Peter at Westminster, under r common seal, bearing date respec- ly the 7th day of August 1806; the . of which patents is a grant of the iwick and escheatorship of the city and rty of Westminster; the second, a like nt of the bailiwick, escheatorship and chership of the sanctuary in Westster; and the third, a grant of the nerial rights and royalties, fines, deods, forfeitures, &c. accruing within the e city and sanctuary; upon which er grant is reserved a net rent of 150*l.* annum, payable to the dean and pter.

That the above office was, with the ction of the dean and chapter, pursed in 1806 by Mr. Morris, of his preessor Charles Browning, esq. at a ce amounting in the whole to near 00*l.*

Your Committee further find, that under d by virtue of the above patents, the ctions and duties of the high bailiff are, all essential points, of the same descrip- n with those of sheriffs of counties; to m of right belong the execution and urn of all writs, warrants, processes or ecepts issued into his jurisdiction out of y of the courts of record, or by the eriff of Middlesex, or any other legal thority; therein including the return of tizens to serve in Parliament, impannelng of juries, regular attendance at the urts leet and quarter sessions, superinnding the execution of the punishments y pillory or otherwise inflicted by them; eserving free and uninterrupted access both houses of Parliament during their ttings; and generally, all such other ties as are requisite for the preservation of the peace of the populous and important city, for which he is responsible as its supreme executive officer; and for which purpose he is empowered to call forth the several constables and other peace officers within his district.

Your Committee likewise proceeded to enquire into the fees and emoluments attached to the office of high bailiff; and find that the regular source of them arises as follows:

	£.	s.	d.
1st. Fines imposed for misdemeanors, &c. at the courts leet and quarter sessions; averaging annually about...	75	0	0
2nd. Post Fines upon alienation of land effected by fines levied in the court of Common Pleas; averaging annually about	75	0	0
3rd. Poundage fees upon executions levied out of the two 40*s.* courts of conscience, in Castle-street and Vine-street Westminster; averaging annually about ..	200	0	0
4th. Fines on Jurymen for non-attendance; deodands, and other incidental small fees, not falling under any of the above heads; averaging annually about	25	0	0
And, 5thly. Fines imposed by the Courts in Westminster-hall on offenders resident in Westminster; which are necessarily perfectly uncertain in amount, but for the last four years have not averaged net per annum, after payment of the fees and poundages of the several offices of the Court of Exchequer through which they pass, more than	75	0	0
	450	0	0
From which, deducting the annual rent paid to the dean and chapter; of... £.150 ... And the deputy's annual fee, of .... £.100 ...	250	0	0
A net balance is left of about	200	0	0

It also appeared to your Committee, that by invariable and immemorial usage, the appointment of an efficient deputy is required of the high bailiff, by the dean and chapter; and which deputy holds his situation during the pleasure of his principal, but by patent also under their seal; and is fully authorized to execute all the duties of the high bailiff; and his assistance and legal advice is on many occasions requisite, particularly at elections, where he has hitherto acted as sole assessor during several long contests. The situation of Deputy is now held by Mr. W. Tooke, of Gray's-Inn, at an annual fee or salary of 100*l.* which was in former times 200*l.* per annum to several of his predecessors. It is also stated, that, by the custom of the Court of Exchequer, the payment of fines can only be regularly made to the deputy, and not to his principal.

Your Committee further find, by an account in writing delivered in by the high bailiff, that after giving credit for the net salary so received by him as above stated, during the four years he has held the office, he has sustained a clear loss of near 500*l.* by the election of citizens to serve in Parliament; arising under the following circumstances:

Upon Mr. Morris's appointment to his situation, he was informed by his predecessor, that the expences attending elections were defrayed by the candidates in equal shares; as stipulated by an undertaking in writing invariably signed by them, previous to the election, and an immediate deposit paid; and that no loss whatever had been ever incurred by the returning officer, upon an election.

It is further stated in evidence by Mr. Tooke, that in pursuance of such information given to Mr. Morris by his predecessor, upon the two contested elections that occurred in November 1806 and May 1807, arrangements were made, by building hustings and employing poll clerks, for holding the elections, in all respects conformably to former practice; and that by reason thereof the disbursements in November 1806 amounted to 1,465*l.* and in May 1807 to 1,507*l.*

That some of the candidates at such elections signed the customary undertaking, and also paid deposits on account, and ultimately settled their proportions thereof.

That James Paull, esq. at the former election, and sir Francis Burdett, bart. at the latter, having declined to pay their proportion of such disbursements, actions were commenced against them by the high bailiff; upon which Mr. Paull paid 170*l.* into court as his share of the expence of erecting the hustings; and a verdict was obtained against sir Francis Burdett for 117*l.* 8*s.* 2*d.* being his share of the like expence only, and some other small items; the loss therefore by the nonpayment of the other parts of the claim made on them, and a deficiency on the part of another candidate, occasioned total loss to the high bailiff of 1,269*l.* 9*s.* 2*d.* exclusive of the extra costs of the two actions.

The principal feature of expence at tending the election, in addition to th hustings, is the number of poll clerks, wh appear to be necessarily required in en tering the names and descriptions of voters and in administering the oaths.

It was likewise stated in evidence, tha there is no convenient public building in Westminster, wherein the poll can be conveniently taken, the number of elector being stated to amount to near 15,000; an that it has been hitherto deemed inexpedien to attempt to protect the hustings afte the conclusion of the election, it having by immemorial custom, been taken possession of by the populace.

Your Committee, in order to verify an corroborate the preceding statements o the high bailiff and his deputy, summone Mr. Jeanneret to attend them, he having been many years confidential clerk, an afterwards the partner of Mr. Franci Grojan, who during a long period fille the office of Deputy bailiff.

From Mr. Jeanneret's evidence it appears, that he attended as poll clerk o otherwise during four or five elections that it was customary for the agents fo the candidates to pay a deposit usually o 200*l.* a piece, of which Mr. Grojan kep an account, and when that sum was ex hausted called for a further balance, tak ing care to be never in advance, and n loss was therefore ever sustained by him that he had frequently a surplus left whic he repaid as due to the several candidate

Mr. Jeanneret then delivered in a for of the candidate's undertaking; state ments of accounts with them; and bills o election disbursements in the years 178 1784, 1788, and 1790; which are simila in the description of the charges to thos delivered in, in the years 1806 and 180 by the present high bailiff.

From the above evidence it appears

r Committee, that, until the period of present high bailiff's appointment to office, the expences of elections were ormly defrayed by the respective can- ates; that he was placed in a situation nexpected difficulty and risk, by the sal of that payment at the last elec- ; and though the subsequent legal de- nination established, under the special umstances of the case, his claim on ac- nt of the hustings, and of a small sum special commissioners, yet it failed to emnify him for the large proportion of demand, and left no guide to regulate conduct, or protect the peace of West- ster, during any future election.

t therefore appears to your Committee, as the average emoluments of the of- of high bailiff are wholly inadequate he necessary expenses attendant upon ontested election, some certain provi- should be made for defraying those pences; that much mischief and incon- ience may ensue from the state of un- rtainty as to the liability of the high liff to make on any future occasion the al arrangements, at his own risk, or by making them, to endanger the peace the city by a novel and hazardous de of proceeding.

It did occur to your Committee, that least exceptionable, and perhaps the st constitutional mode of ensuring the rtainty of a fit and commodious build- g for taking the poll at any future con- ted election, and of all other necessary angements with regard to poll clerks d commissioners, would be secured by yment out of the poor rate of the re- ective parishes, at a regular per-centage, a certain fixed and reasonable sum, equate to cover the necessary expences be incurred; and your Committee was d to believe that no objection was likely be raised by the inhabitant householders such an assessment, more particularly the right of election is vested in them; t your Committee considering that a ry inadequate space of time is allowed r collecting such information as appear- d to them to be necessary on this subject, ave, for that reason only, not suggested e adoption of such a measure. They ere also generally aware of the possibi- ty of a great difference of opinion, even nong members of the legislature, on the xpediency of casting the burthen, by w, of discharging these expences on y future candidates, as a permanent re- lation.—But, considering the preservation of the peace, the regularity of election, and the safety and accommodation of aged and infirm persons exercising their right of voting in this city, of so great importance in point of example, and other consequences to the kingdom at large, they have not hesitated to recommend to the legislature the adoption of the bill, provided the same be so worded, that it should have continuance for two years only; during which time, more ample opportunity will be afforded of investigating the subject.—June 11th, 1811.

APPENDIX.

No. I.—Grant of the Bailiwick and Escheatorship of Westminster:—Of the Bailiwick of the Sanctuary of Westminster:—Of the Manerial rights within the City and liberty of Westminster; in the year 1806.

No. II.—Appointment of Mr. Tooke, to be Deputy Bailiff of the City and Liberty of Westminster.

No. III—Statements of Election Losses by the High Bailiff.

No. IV.—Form of Candidates Undertaking to pay Expences of Election (1807).

No. V.—Form of Notice from Candidates to High Bailiff, for him to find and provide Hustings (1776)—With Copies of the High Bailiff's Expenses, at Elections, in 1780, 1784, 1788, and 1790.

Appendix, No. I.

Grant of the Bailiwick and Escheatorship of Westminster.

This Indenture, made the 7th day of August in the 46th year of the reign of our sovereign lord George 3, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1806; Between the reverend William Vincent, D. D. dean of the Collegiate Church of St. Peter in Westminster, and the Chapter of the same church, of the one part; and Arthur Morris of Southampton-street in the parish of St. Paul Covent Garden in the liberty of Westminster in the county of Middlesex, esquire, of the other part; Witnesseth, that the said dean and chapter of their one assent and consent, and for and in respect of the special trust and confidence they have and do repose in the said Arthur Morris, have made, ordained, constituted and appointed, and by these presents for them and their successors do make, ordain, constitute, and appoint the said Arthur Morris to be their Bailiff of the city of Westminster in the county of Middlesex, and of and within the liberty of the same city of Westminster and the precincts thereof, extending and being within the parishes of St. Margaret, St. John the Evangelist near Milbank, St. Martin in the fields, St. George Hanover-square, St. Clement Danes, St. Paul Covent Garden, and St. Mary at Strand, St. Ann and St. James, within the said county of Middlesex (the liberty or precinct within the place or places called the Sanctuary within the close of the said Collegiate Church, and the Sanctuary, always and only excepted); giving and likewise granting to the said Arthur Morris full power and authority to execute, serve and return all and all manner of bills, writs, warrants, process, and precepts whatsoever, and to attach apprehend and arrest and commit to their prison in Westminser, all such person and persons as he the said Arthur Morris shall receive warrant to arrest as bailiff of the said liberty of Westminster, which are or shall be directed or issued out of any of the courts of his Majesty, his heirs, or successors, or from the Sheriff of the county of Middlesex for the time being, or from any of them, or from any other person or persons lawfully authorised, and the same person or persons so arrested and attached there to retain and keep until they shall be thence delivered by due course and order of law; and further to do, exercise, and execute all and every other thing and things and duties whatsoever appertaining to the said office of bailiff (except in the places and close before excepted). And further the said dean and chapter have made, ordained, nominated, constituted, and appointed, and by these presents do make, ordain, nominate, constitute, and appoint, the said Arthur Morris to be escheator of and within the city of Westminster aforesaid, and the liberties and precincts thereof extending within the parishes aforesaid, (except as before excepted), and to have, receive, and take all profits, fees, and advantages unto the said office of escheator appertaining or belonging; to have and to hold, exercise and enjoy the said office of Bailiff and Escheator of the said bailiwick and liberties aforesaid (the places aforesaid always excepted), by him or his sufficient deputy or deputies to be allowed and approved of by the dean and chapter of the said Collegiate Church for the time being, durin the term of the natural life of him the sai Arthur Morris, if he the said Arthur Mor ris shall so long behave himself well in th said office, the said Arthur Morris takin for his or their fee or fees for executin the said office, all such fees profits o commodities as unto the said offices o either of them do belong or appertain And further the said dean and chapte have given, granted, and confirmed, an by these presents do give, grant, and con firm unto the said Arthur Morris, all an all manner of fines, post fines, issues amerciaments, redemptions, pains, and for feitures which shall hereafter grow due t the said dean and chapter, as well fines post fines, issues, and amerciaments befor the King, his heirs, and successors, or be fore the Steward, marshall and clerk of th market, of the King, his heirs, or succes sors, or before any other the commissioner of the King, his heirs, or successors o any of them, and before the steward, co roner, escheator, and clerk of the marke of the said city of Westminster and th liberties and precincts thereof (excep the places before excepted) to have hol levy take and enjoy all the said fines an amerciaments redemptions pains and for feitures whatsoever, and all and singul other the premises aforesaid, unto the sai Arthur Morris his use and behoof abs lutely for and during the term of his na tural life, if he shall so long behave him self well in the said office. And the sai Arthur Morris, for himself, his heirs e ecutors and administrators, hath covenan ed and granted, and by these presen doth covenant and grant to and with th said dean and chapter and their succe sors, that if he the said Arthur Morris, any of his servants or ministers or dep ties, shall or do enter into any part of th sanctuary or places before excepted, execute any part of his office or office without having obtained licence in wri ing under the hand of the said dean or h successors, for the time being for that pu pose, that then the said Arthur Morr shall forfeit and pay unto the said de and chapter and their successors as a p nalty, the sum of *5l.* for every time so fending, to be paid to the treasurer of th said dean and chapter for the time bein And the said Arthur Morris, for hims his heirs executors and administrato doth further covenant and grant, to a with the said dean and chapter and the successors, that if the said Arthur Morr

under-bailiff, officers or ministers, or
of them, shall, without having first
ined licence in writing, under the
l of the said dean for the time being,
in, keep or reserve in his or their pri-
custody, or in any one of their house
ouses, or in any place or places, any
oner or prisoners that shall be in his or
r custody or custodies, or by them or
of them shall be arrested and taken,
shall not with as much expedition as
be after the apprehension or arresting
ny such person or persons, by them
any of them apprehended or taken,
duct and bring, or cause to be con-
ted and brought, the said prisoner or
oners to the said prison or goal, there
emain prisoners under the custody of
goaler there for the time being, that
the said Arthur Morris shall and will
eit and pay to the said dean and chap-
and their successors, as a penalty, the
of *5l.* for every time so offending, to
paid to the treasurer of the said dean
chapter for the time being: Provided
ays, that it is the true intent and mean-
of these presents, that if the said Ar-
r Morris shall and do at any time here-
er assign over this present indenture,
he said offices of bailiff and escheator,
either of them, to any person or per-
s, body or bodies politic or corporate
atsoever, without the consent of the
l dean and chapter or their successors
t had in writing, that then and imme-
tely upon such assignment made as
resaid, this present deed and all and
ry the appointments, grants, and things
ein contained or hereby made and
nted, shall cease determine and be ut-
ly void, any thing before in these pre-
ts contained to the contrary thereof
anywise notwithstanding. In witness
ereof, as well the common seal of the
d dean and chapter, as the seal of the
d Arthur Morris, to these present in-
ntures, interchangeably are put Yeoven
the chapter house of the said dean and
apter at Westminster aforesaid, the day
d year first above written.

et this deed be inrolled among the me-
moranda of the Exchequer, that it may
appear upon record that the above-
named Arthur Morris is bailiff and es-
cheator of the city and liberty above-
mentioned, Dated this 19th day of
November, 1806. A. THOMPSON.

nrolled among the memoranda of the
Exchequer, to wit, in the lord treasurer's remembrancer's office, among the common business of Michaelmas term, in the 47th year of the reign of king George the third. W. FOXTON.

Grant of the Bailiwick of the Sanctuary of Westminster.

To all Christian people to whom these presents shall come, William Vincent, D. D. dean of the collegiate church of St. Peter in Westminster, and the Chapter of the same church send greeting:—Know ye, that we the said dean and chapter, with our one assent and consent, for divers good causes and considerations us hereunto moving, and for and in respect of the special trust and approved confidence we repose and have in Arthur Morris, of Southampton street, in the parish of St. Paul Covent-garden, in the liberty of Westminster, in the county of Middlesex, esq., have given, granted and confirmed, and by these presents, for us and our successors, do give, grant and confirm, unto the said Arthur Morris, the office of searcher and searchership of and within the liberty and place called the Sanctuary, and the precinct thereof, extending and being within the parish of Saint Margaret in Westminster. And whereas, we have made and ordained the said Arthur Morris to be our bailiff of our whole liberty of Westminster, except the liberty and place called the Sanctuary aforesaid: Now know ye further, that we the said dean and chapter, of our like assent and consent, for the considerations aforesaid, have given, granted and confirmed, and by these presents, for us and our successors, do give, grant, and confirm unto the said Arthur Morris, the office of bailiff of our said liberty called the Sanctuary, and him the said Arthur Morris our bailiff of our said liberty called the Sanctuary, do make, ordain, constitute, and appoint, by these presents giving, and by these presents granting, unto him the said Arthur Morris, full power and authority to execute, serve, and return all and all manner of bills, writs, warrants, process and precepts whatsoever, which shall be directed and issued out of his Majesty's courts of Westminster, or from the sheriff of Middlesex for the time being, or from any lawful authority, which are to be executed and served within the said precinct; and to attach, apprehend and arrest, and to commit to our prison in Westminster, all such person and persons as the said Arthur Morris shall re-

ceive warrant to arrest as bailiff of our said liberty, called the Sanctuary, and the same person or persons so arrested and attached there to detain and keep, until they shall be thence delivered by due course and order of law: And further, by all lawful ways and means, to demand, collect, seize upon, levy and distrain for, receive and take, all manner of deodands, and the goods and chattels of all manner of persons forfeited within the said liberty and precinct, called the Sanctuary, also the goods and chattels of felons escaped, felons convicted, and the goods and chattels of felons and fugitives, felons of themselves, condemned persons, or for any manner of causes whatsoever, convicted, or attainted; also the goods and chattels of outlawed persons, and persons banished, waifes, estrays, and the goods and chattels of all manner of persons hereafter, to be confiscated or forfeited within the said liberty or precinct called the Sanctuary, which belong and appertain to us and our successors, or shall be to us hereafter forfeited, by any ways or means whatsoever; and also all and all manner of fines, issues, amerciaments, escheats, perquisites of courts, redemptions, pains and forfeitures, and all other duties whatsoever, which shall hereafter grow due to us, and our successors within the said liberty and precinct called the Sanctuary; and to account for the same to us and our successors once every year, if the said Arthur Morris shall be thereunto required by the dean and chapter of the said collegiate church for the time being: and further also to exercise and execute all and every other thing and things and duties whatsoever appertaining to the said office, or offices of searcher and bailiff of our said liberty, called the Sanctuary, as fully and amply in every respect and thing, as our bailiff of our said liberty of Westminister, lawfully, may, can or might do, to have, hold, exercise, occupy, and enjoy the said office and offices of searcher and bailiff, of the said liberty, precinct, and place, called the Sanctuary aforesaid, with the powers and authorities beforementioned, unto the said Arthur Morris, and his assigns deputy and deputies, to be allowed and approved of by the dean and chapter of the said collegiate church for the time being, for and during the natural life of the said Arthur Morris, he and they behaving himself and themselves well in the execution of the same. And further know ye, that we the said dean and chapter, for us, and our successors have given and granted
and by these presents do give and gran
unto the said Arthur Morris, for the exer
cise and executing of the said office an
offices, one annuity or annual fee of 6l
13s. 4d. to have, hold, receive, perceive
and enjoy the said annuity or annual fee
of 6l. 13s. 4d. unto the said Arthur Morris
and his assigns, for and during the natura
life of the said Arthur Morris, to be pai
yearly by the hands of the treasurer or re
ceiver of the said collegiate church for th
time being, at four usual feasts or term
in the year (that is to say) at the feasts o
the Annunciation of the Blessed Virgi
Mary, the nativity of St. John the Baptis
St. Michael the Archangel, and the birt
of our Lord Christ, by even and equal po
tions, the first payment thereof to begin an
be made on the feast of St. Michael the Arch
angel now next ensuing, together with a
fees advantages commodities emolument
rewards and profits whatsoever they be t
the said office and offices incident and be
longing, and hereafter used and accustom
ed, he the said Arthur Morris, his deput
and deputies, well behaving themselve
as aforesaid. In witness whereof we th
said dean and chapter, have hereunto se
our common seal. Yeoven in our chapte
house at Westmnister aforesaid, the 7t
day of August in the 46th year of th
reign of our sovereign lord George 3, b
the grace of God, of the united kingdo
of Great Britain and Ireland king, de
fender of the faith, and in the year of ou
Lord 1806.

Let this deed be inrolled among the me
moranda of the Exchequer, that it ma
appear upon record that the above
named Arthur Morris, is bailiff of th
liberty above mentioned.' Dated th
19th day of November 1806.

A. Thompson.

Inrolled among the memoranda of th
Exchequer, to wit, in the Lord Tre
surer's remembrancer's office, amo
the common business of Michaelm
term, in the 47th year of the reign
King George 3. W. Foxton.

Grant of the Manerial Rights within
City and Liberty of Westminister.

This Indenture, made the 7th day
August in the 46th year of the reign
our Sovereign Lord George 3, by th
grace of God, of the United kingdom
Great Britain and Ireland King, defend

e faith, and in the year of our Lord
6; Between the Rev. William Vincent,
., dean of the collegiate church of St.
r in Westminster, and the chapter of
same church, of the one part; and
ur Morris, of Southampton-street in
parish of St. Paul Covent-Garden in
liberty of Westminster in the county
Middlesex, esquire of the other part:
esseth, that the said dean and chapter,
heir one assent and consent, for divers
d causes and considerations them
eunto moving, and for and in respect
he special trust and approved confi-
ce they repose and have in the said
hur Morris, have given granted and
firmed, and by these presents do give
t and confirm unto the said Arthur
ris, all and all manner of deodands,
the goods and chattels of all and
manner of persons forfeited, resid-
or not residing within the city
Westminster in the county of Mid-
ex, and of and within the liberty
he same city of Westminster and the
incts thereof, extending and being
in the parishes of St. Margaret, St.
n the Evangelist near Milbank, St.
rtin in the Fields, St. George, Hanover-
re, St. Clement Danes, St. Paul Covent
den, and St. Mary at Strand, St. Ann and
James, within the said county of Mid-
ex (the liberty or precinct within the
e or places called the Sanctuary within
close of the said collegiate church,
the sanctuary places always ex-
ted;) and also the goods and chattels
elons escaped, felons convicted, and
goods and chattels of felons and fu-
ves, felons of themselves, condemned
ons, or for any cause convicted what-
er; the goods and chattels of outlawed
ons, the goods and chattels of banished
ons, waifs and strays, and the goods
chattels of all manner of persons here-
r to be confiscated and forfeited, whe-
they reside or not reside within the
liberties or any of them, except as
ore excepted, which belong or shall
ertain to the said dean and chapter, or
r successors, or shall be to them or any
hem forfeited by any ways or means
tsoever; to have, hold, take, and enjoy
he said deodands, goods and chattels,
fs and strays, and all and singular
r the premises herein-before men-
ed, and intended to be hereby granted
confirmed unto the said Arthur Morris,
use and behoof, for and during the
of his natural life. And the said Arthur Morris, for himself, his heirs, executors, administrators and assigns, doth covenant, promise and grant, to and with the said dean and chapter and their successors, by these presents, that he the said Arthur Morris and his assigns, shall and will yearly, from time to time during the term of his natural life, or so long as he shall continue to take, hold, and enjoy the said premises hereby granted or intended so to be, pay, or cause to be paid, for the said premises unto the said dean and chapter and their successors, or unto their receiver general, or other their deputy or deputies in that behalf appointed, the clear yearly sum of 150*l.* of lawful money of Great Britain, to be paid at or in the now dining-hall of the said dean and chapter at Westminster aforesaid, at the four usual feasts or terms in the year, (that is to say) at the feasts of the Annunciation of the blessed Virgin Mary, the Nativity of St. John the baptist, St. Michael the Archangel, and the birth of our Lord Christ, by even and equal portions; the first of such payments to begin and be made on the feast-day of St. Michael the Archangel now next ensuing; and if it shall happen that the said yearly sum of 150*l.* shall be behind and unpaid in part or in all after any of the said feasts on which the same ought to be paid, by the space of 28 days, being lawfully demanded at the place of payment aforesaid; or if the said Arthur Morris shall at any time hereafter assign over this present indenture to any person or persons, body or bodies politic or corporate whatsoever, without the consent of the said dean and chapter or their successors first had and obtained in writing; that then or in either of the said cases this present indenture and all the estate hereby granted shall cease and be void to all intents and purposes whatsoever. In witness whereof as well the common seal of the said dean and chapter as the seal of the said Arthur Morris to these indentures interchangeably are put. Yeoven in the chapter house of the said dean and chapter at Westminster aforesaid, the day and year first above written.

Let this deed be inrolled among the memoranda of the Exchequer, that it may appear upon record that the above manerial rights are granted to the above-named Arthur Morris. Dated the 22d of November 1806. A. THOMSON.

Inrolled among the memoranda of the Exchequer (to wit) in the lord treasurer's remembrancer's office, among the common business of Michaelmas Term, in the 47th year of the reign of King George the 3rd. W. Foxton.

Appendix, No. III.

Appointment of Mr. Tooke to be Deputy Bailiff of the City and Liberty of Westminster.

This Indenture, made the 15th day of November in the 47th year of the reign of our sovereign Lord George the 3rd, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, defender of the faith, and in the year of our Lord 1806; between Arthur Morris esq., high bailiff of the city and liberty of Westminster, of the one part; and William Tooke, of Gray's-inn in the county of Middlesex, gentleman, of the other part: Whereas the dean and chapter of the collegiate church of St. Peter Westminster, by two certain deeds or instruments in writing, and also by a certain deed poll, bearing date the 7th day of August last, did constitute the said Arthur Morris to be their bailiff of the said city and liberty of Westminster, with all and every the profits and privileges thereunto belonging, to have, hold, exercise and enjoy the said office of bailiff during the term of the natural life of the said Arthur Morris, by him the said Arthur Morris, or his sufficient deputy or deputies, as by the said indentures and deed poll may appear: and whereas the said Arthur Morris is minded and desirous, that the said William Tooke should have full power to execute the said office of bailiff in all respects and at all times as fully as he the said Arthur Morris is himself enabled or hath power, and of appointing him the said William Tooke his deputy for that purpose, until such time as he the said Arthur Morris shall by writing under his hand and seal think fit to revoke the authority by these presents given; now this indenture witnesseth, that the said Arthur Morris hath, by and with the consent and approbation of the said dean and chapter of Westminster, testified by their having caused their common seal to be affixed to these presents, nominated constituted, deputed, and appointed, and by these presents by and with such consent as aforesaid, doth nominate, constitute, depute and appoint the said William Tooke to be his lawful deputy, to execute the said office of bailiff, in as ample manner and form as he the said Arthur Morris might or could do if he were personally present;
and the said Arthur Morris doth hereb
give and grant unto the said Willia
Tooke his full power and authority to ex
cute the said office of bailiff, as his deput
from time to time, until the said Arth
Morris shall by writing under his ha
and seal revoke alter or make void t
power and authority hereby given; and
appear at all and every the quarter s
sions of the peace to be held for the sa
city or liberty and county of Middles
aforesaid, and for him the said Arth
Morris, and in his name, or in the na
of him the said William Tooke as
deputy, to attend, do, perform, make a
execute all such duties and services, a
receive and take all such fees and rewar
as to the said office of bailiff shall belo
and appertain; but nevertheless to a
for the use of the said Arthur Morri
and also to attend all and every the cou
leet and burgess courts to be held for t
said city and liberty: and to summ
and return all juries, and return a
execute all writs process and precepts, a
to collect all fines issues and profits
what nature and kind soever, and to
and perform all other matters and thin
as to the said office of bailiff shall belo
and appertain, as fully and effectually
all intents and purposes as the said Arth
Morris might or could do were he perso
ally present: and the said William Too
doth hereby for himself, his heirs exe
tors and administrators, covenant, prom
and agree to and with the said Arth
Morris, his executors, administrators a
assigns, that he the said William Too
his heirs executors and administrato
shall and will, from time to time and at
times hereafter, save harmless and ke
indemnified the said Arthur Morris,
executors, administrators and assigns,
from and against all charges dama
and expenses which he the said Arth
Morris shall or may sustain for or
reason of the said William Tooke's ille
or undue execution of the said office
deputy bailiff, during the time he sh
continue in the said office: and also t
he the said William Tooke shall and w
well and truly and faithfully account w
and pay to the said Arthur Morris,
executors, administrators or assigns,
such sum or sums of money, fees fines a
rewards, which he shall receive by virtue
these presents, after deduction of such sala
fees recompence and allowance, as are
might be stipulated between him the s
Arthur Morris and the said William Too

vitness whereof the said Arthur Morris William Tooke have to these presents heir hands and seals, and the said dean chapter their common seal have ed to be affixed the day and year first ve written.—Arthur (L. S.) Morris.— liam (seal) Vincent, Dean.—William (s.) Tooke.—Sealed and delivered in presence of George Giles Vincent.

t this deed be inrolled among the Memoranda of the Exchequer, that it may appear upon record that the above-named William Tooke is Deputy Bailiff of the City and Liberty above mentioned. Dated this nineteenth day of November 1806.

A. Thompson.

rolled among the Memoranda of the Exchequer (to wit) in the Lord Treasurer's Remembrancer's Office, among the common business of Michaelmas Term, in the forty-seventh year of the reign of King George the third.

J. Sexton.

Appendix, No. III.

ements of Election Losses by the High iliff.—Westminster Election, Nov. 1806.

y of the High Bailiff's Account, as delivered to each of the Candidates.

	£.	s.	d.
Under Bailiffs, to attend roclamation of Election...	6	6	0
eir horse-hire, at 10*s.* 6*d.* ach..........................	3	3	0
uty Bailiff and servants orse-hire.....................			
h Constable's attendance nd do........................	1	11	6
er, for proclamation and horse-hire....................	5	15	6
enty-four Poll Clerks, at 1*s.* and 5*s.* each............	468	0	0
enty Staffmen, at 7*s.* 6*d.* nd 2*s* 6*d.* each.............	150	0	0
er's attendance, 21*s.* and *s.*............................	19	10	0
nmoning Officer's fee.....	6	6	0
tionary, trunk, coach-hire, nd sundries.................	27	19	3
le for the High Bailiff, Deputy, &c...................	125	0	0
o Commissioners, for administering the oaths of llegiance, &c. at 21*s.* and *s.* each.........................	39	0	0
h Bailiff and Deputy's oach-hire, sundry expenses, &c...................	3	3	0
Staffs for Bailiff and officers, and bill for erecting hustings, &c.......................	508	5	5
Surveyor's fees for valuing same..........................	14	18	6
Bond of indemnity to churchwardens of St. Paul's Covent Garden, and incidental damages.................	36	19	4
Paid church servants of ditto	3	3	0
Paid fees to Mr. Serjeant Runnington and clerk advising, on scrutiny demanded by Mr. Paull......	12	4	0
Paid Stationer's charge for ingrossing, and stamps for return and counterpart......	12	12	0
Special messenger, at 10*s.* 6*d.* per day.......................	7	17	6
Printer's bill, for tickets, &c.	13	6	0
	£.1,465	0	0

High Bailiff's Account of Disbursements.—*Westminster Election, 7th to 23d May* 1807.

Six under Bailiffs, to attend proclamation of election...	6	6	0
Their horse-hire, at 10*s.* 6*d.*	3	3	0
Deputy Bailiff and servants horse-hire			
High Constable's attendance and ditto.....................	1	11	6
Cryer, for proclamation and horse-hire	5	15	6
Twenty-four poll clerks, at 21*s.* and 5*s.* each............	468	0	0
Twenty-four staff-men, at 7*s.* 6*d.* and 2*s.* 6*d.* each.........	180	0	0
Cryer's attendance, 21*s.* and 5*s.*	19	10	0
Summoning officer's fee......	6	6	0
Stationary, stamps, trunk, coach-hire and sundries...	35	10	2
Table for the High Bailiff, deputy, &c.................	120	0	0
Two Commissioners for administering the Oaths of Allegiance, &c. at 21*s.* and 5*s.* each	39	0	0
High Bailiff's and deputy's coach-hire, sundry expenses, &c....................	3	3	0
Bill for erecting hustings, and Surveyor's fee for valuing the same...............	553	10	10
Bond of indemnity to churchwardens of St. Paul Covent Garden, and incidental			

damages	40	0	0
Paid church servants of ditto	3	3	0
Special messenger, at 10*s.* 6*d.* per day......................	7	17	6
Printer's bill, for tickets, &c.	14	3	6
	1,507	0	0

Mr. Paull, who declined early in the poll, his proportion has been computed at......	200	0	(
	£. 1,307	0	(
One fourth of 1,307*l.* for each remaining candidate to pay is ...	326	15	0

STATEMENT of Loss incurred by the HIGH BAILIFF of Westminster, by reason o holding the Election of Members to serve in Parliament, in November 1806 and May 1807.

				£.	s.	d.	£.	s.	d
November, 1806.									
Amount of High Bailiff's account...........				1,465	0	0			
Three Candidates, viz.									
Sir S. Hood, who paid in full for his one-third thereof......................................	488	6	8						
Right hon. R. B. Sheridan, who paid on account	300	0	0						
James Paull, esq. who paid into court upon action brought...................................	170	0	0						
				958	6	8			
Total loss upon this election..................							506	13	
May, 1807.									
Amount of High Bailiff's account...........				1,507	0	0			
Five Candidates, viz.									
Lord Cochrane, who paid in full for his proportion	326	15	0						
John Elliott, esq. who paid on account......	300	0	0						
Amount of verdict obtained in the court of King's Bench against sir Francis Burdett, baronet	117	8	2						
Right hon. R. B. Sheridan......................									
James Paull, esq. who refused to pay, and soon after died insolvent......................									
				744	3	2			
Total loss upon this election...........							762	16	1
Total loss....................							£1,269	10	

Appendix, No. IV.

Form of Candidates' Undertaking to pay Expences of Election, (1807.)

To ARTHUR MORRIS, Esq, High Bailiff of the City and Liberty of Westminster.

We whose names are hereunto subscribed, candidates to serve in parliament at the election for the city and liberty of Westminster, do hereby authorise and desire the said High Bailiff or his deputy to find and provide sufficient clerks, porters, &c. and also to find and provide a table for the High Bailiff, his deputy and officers: and to take every necessary step for the conducting and ordering the said election, until two candidates shall be returned by a majority of electors of th said city and liberty; and we do hereb promise and agree to pay to the said Hig Bailiff or his said deputy all expenses the said election. Witness our hands, th 6th day of May 1807. COCHRANE.

R. B. SHERIDA

Signed by the Lord Cochrane, in th presence of J. WRATISLA

Appendix, No. V.

Form of Notice from Candidates to Hi Bailiff, for him to find and provide Hu ings (1776); *with Copies of the Hi Bailiff's Expences at Elections, in* 178 1784, 1788, *and* 1790.

Thomas Corbett, Esq. High Bailiff
the City and Liberty of Westminster,
Mr. Francis Grojan his Deputy.

e whose names are hereto subscribed,
lidates to serve in parliament at the
general election for the city and li-
y of Westminster, do hereby autho-
and desire the said High Bailiff or his
uty to find and provide sufficient hust-
to take the poll thereon, and to find
provide twenty-four clerks, twenty
cers, &c.; and also to find and
vide a table for the High Bailiff
deputy and officers; and to take
ry other necessary step for the con-
ting and ordering the said election,
l of the said candidates shall be
arned by a majority of electors of the
city and liberty: the expenses of
ich election we jointly agree to pay
the said High Bailiff or his deputy,
ed this day of December 1776.

gh Bailiff's Account.——*Westminster Election, September* 1780.

	£.	s.	d.
bailiffs to attend the proclamation of election ……	6	0	0
eir horse-hire ……………	1	10	0
puty bailiff and servants horse-hire, &c. ……………	0	16	0
yer, for proclamation ……	5	5	0
s horse-hire ………………	0	5	0
rpenter's bill for the hustings …………………… …	128	10	0
venty-four clerks, 10 days, at 1*l.* 1*s.* each per day, and 3*s.* 6*d.* each per day for their dinners …………	294	0	0
venty-four clerks, 5 days, at 12*s.* 3*d.* per day each …	73	10	0
wenty bailiffs to attend the election, 12 days at 7*s.* each per day……………………	84	0	0
wenty bailiffs, 3 days, at 4*s.* each per day ……………	12	0	0
aves for the bailiffs and officers………………………	1	5	0
ryer attending the election 15 days……………………	15	15	0
mmoning officer's fee ……	6	0	0
mmoning officer attending the election ………………	3	15	0
ationary ……………………	21	0	0
trunk for the books and papers ……………………	0	10	6
able for the high bailiff, deputy and officers, 15 days	130	0	0
erk to fill up the return, and write entries thereof in the poll books………………	1	1	0
High Bailiff and Deputy's coach-hire and sundry expenses …………… ……	6	10	0
	791	12	6
(Settled.)			
One third is……… £.	263	17	6

Deputy Bailiff's attendance when lord Lincoln's check books were compared with the original poll books, by which the expence of a copy of the poll was saved. 10*l.* 10*s.* 0*d.* Received.

The Account of Francis Grojan, Deputy Bailiff of Westminster, of the Expenses of the Election in 1784.

	£.	s.	d.
Six under bailiffs, to attend the proclamation of election	6	0	0
Their horse-hire ……………	1	10	0
Deputy bailiff and servants horse-hire, &c. ……………	0	16	0
Cryer, for proclamation ……	5	5	0
His horse-hire ………………	0	5	0
Twenty four clerks, 12 days, at 1*l.* 1*s.* each per day, and 3*s.* 6*d.* each per day for their dinners ……………………	352	16	0
Twenty-four clerks, 28 days, at 12*s.* 3*d.* per day each …	411	12	0
Twenty staff-men to attend the election, 12 days at 7*s.* each per day………………	84	0	0
Twenty staff-men, 28 days, at 4*s.* each per day …………	112	0	0
Staves for the men …………	2	10	0
Carpenters bill for the hustings	221	14	6
Cryer attending the election, 40 days……………………	42	0	0
Summoning officer's fee ……	6	0	0
Summoning officer attending the election ………………	10	0	0
Stationary ……………………	30	0	0
A trunk for the books and papers ……………………	0	10	6
Table for the high bailiff, deputy and officers …………	142	0	0
High Bailiff and Deputy's coach-hire, and sundry expenses ……………… ……	20	0	0
	1,448	19	0
One-third to each Candidate is……… £.	482	19	8

The ACCOUNT of Francis Grojan, Deputy Bailiff of Westminster, of the expense of the Election in 1788.

Candidates
The Right hon. Lord Hood,
The Right hon. Lord John Townshend.

	£.	*s.*	*d.*
Six under bailiffs, to attend the proclamation of election	6	0	0
Their horse-hire	1	10	0
Their dinner	1	0	0
Deputy bailiff and servant's horse-hire	0	12	0
Cryer, for proclamation	5	5	0
His horse-hire	0	5	0
Twenty-four clerks, 12 days, at 1*l.* 1*s.* each per day, and 3*s.* 6*d.* each per day for their dinner	352	16	0
Twenty-four clerks, 3 days, at 12*s.* 3*d.* per day each	44	2	0
A clerk to attend the returning officer 15 days, at 1*l.* 1*s.* per day, and 3*s.* 6*d.* his dinner	18	7	6
Twenty staff-men to attend the election 15 days, at 7*s.* each per day	105	0	0
Staves for the men	2	10	0
The Carpenter's bill for the hustings	373	8	0
Cryer attending the election 15 days	15	15	0
Summoning officer's fee	6	0	0
Stationary	25	0	0
The returning officer's table	60	0	0
Deputy Bailiff's coach-hire and sundry expenses	8	0	6
	1,025	11	0
A moiety to each Candidate	*£.*512	15	5

Election, June 1790.

June 12. Received of Lord Hood by Mr. Jackson	200	0	0
Received of Mr. Fox by Mr. Lowten	200	0	0
15. Received of Mr. Horne Tooke	400	0	0
25. Received of Lord Hood by Mr. Jackson	200	0	0
Aug. 13. Received of Mr. Fox by Mr. Lowten	139	17	0
	£. 1,139	17	0
Received of Lord Hood for return	70	0	0
	£. 1,209	17	0

Gave Mr. Caddick's man	0	1
Mr. Tapp the High Constable's horse-hire	0	10
Mr. Gray	2	2
Stationary	12	11
Coach-hire	2	4
Riders	3	0
Clerks: 19 clerks 279 6 0 Nelson... 18 7 6 Devey... 8 8 0 Thelwall 11 12 9	317	14
Staffmen	105	0
Mr. Clarke for building the hustings	256	0
Cryer for proclamation	5	5
Francis as cryer	15	15
Ditto as summoning officer	6	0
Mr. Richard Sadler	0	10
Servant's horse-hire	0	5
Rider's dinners	1	3
	*£.*728	2
Paid the balance to Mr. Horne Tooke	124	18
Paid the balance to lord Hood	119	13
Wands		
Stamps for receipts	0	2
Mr. Corbett for return of lord Hood	50	0
Ditto Mr. Fox	50	0

STATE of the Deputy Bailiff's accou with John Horne Tooke, esq. Wes minster Election—1790.

The Account of Francis Grojan, Deput Bailiff of Westminster; with Jo Horne Tooke, esq.

June 15, 1790.

Received of John Horne Tooke, esq.	400	0
To one-third of 809*l.* 11*s.* being the amount of the expences of the Election; as per account	269	17
To a copy of the first six days poll, for Mr. Bonny, solicitor for Mr. Tooke	5	5
Due to Balance	124	18
	£. 400	0

"Received August 18th 1790, of Fra cis Grojan, Deputy Bailiff of Westminst the sum of one hundred and twenty-fo pounds eighteen shillings; being the b lance of the account annexed.

(Signed) JOHN HORNE TOOKE."

£. 124 18 0

T REPORT FROM THE COMMITTEE ON THE LAWS RELATING TO PENI- ENTIARY HOUSES.—*Ordered, by the House of Commons, to be printed,* 31*st May*, 1811.

COMMITTEE appointed to consider the expediency of erecting a PENI- ENTIARY HOUSE, or PENITENTIARY OUSES, under the Acts of the thirty- urth and nineteenth of his present ajesty; and, in case the adoption of e measure now referred to their con- deration, should appear to them to be r the advantage of the Public, to re- ort whether any additional legislative rovisions will be wanted for that pur- ose; and what number of persons such enitentiary House, or Penitentiary ouses, should, in their judgment, be alculated to receive, together with any bservations, which they may deem aterial upon the subject of their En- uiry;—and who were instructed to nquire into the effects, which have een produced by the punishment of RANSPORTATION to NEW SOUTH WALES, nd of IMPRISONMENT on board the ULKS;—and were empowered to re- ort their observations and opinion hereupon from time to time to the ouse;—Have considered the matters o them referred, and agreed upon the ollowing REPORT:

our Committee having considered the ject referred to them, and the evidence ch they have received thereupon, are opinion, That the system of Petiten- y Imprisonment, upon the general nciples of the 19th Geo. 3, cap. 74, is culated to reform offenders, and ought be pursued; but that it is not expedient erect, for that purpose, a Penitentiary use, or Penitentiary Houses, for Eng- d and Wales, as proposed in the Act ve-mentioned (which is now expired, far as it related to Penitentiary Houses) in the 34th of his present Majesty; appearing to your Committee to be re advisable, that a separate Peniten- y house or Penitentiary houses should erected, in the first instance, for the nties of London and Middlesex; and t measures should be taken for carry- on the Penitentiary system, as soon may be practicable, in different parts he country.

More than thirty years having elapsed e the passing the Act of the 19th Geo. 3, cap. 74, by which the experiment of Penitentiary houses received the sanction of the legislature, your Committee thought it necessary to enquire in the first instance, whether any proceedings had taken place under that statute, or under subsequent acts of parliament founded on the principles there laid down, from which information could be derived, either in respect to the efficacy of the Penitentiary system, or as to the most advantageous mode of carrying it into effect.

Your Committee find, that in the Penitentiary house erected at Gloucester, under a special act passed for the regulation of the gaols and prisons within that county, in the year 1785, the confinement of convicted felons in separate cells, accompanied by employment and religious instruction, has been practised for a period of 20 years, (the house having been opened for the reception of offenders in 1791); and they have had the satisfaction of learning from the testimony of sir George Paul (whose meritorious exertions in correcting and improving the state of imprisonment in the county of Gloucester are well known, and who has constantly directed his attention to the operation of the Act mentioned above, since it first passed) that the effects of such confinement have been such as to confirm by experience the policy of the system, which the 19th Geo. 3 was intended to introduce.

The advantage of this system has been further shewn to your Committee by the evidence of the Rev. John Becher, a very active and intelligent magistrate for the county of Nottingham, under whose inspection, employment accompanied by religious instruction, but with a less strict degree of seclusion than that pursued at Gloucester, has been introduced with very great success, into the House of Correction at Southwell; to which, as well as to the Gloucester Penitentiary house, your Committee will have occasion more particularly to advert in the further progress of this Report.

Your Committee are satisfied, by these instances, that many offenders may be reclaimed by a system of Penitentiary imprisonment; by which your Committee mean a system of imprisonment, not confined to the safe custody of the person, but extending to the reformation and improvement of the mind, and operating by seclusion, employment, and religious instruction.

The Secretary of State for the Home Department having, on the 17th of November last, addressed a letter to the lord lieutenants of the counties in England and Wales, requesting to be informed, what steps had been taken under the clause of the 19th Geo. 3, which directed the county magistrates to provide fit places of confinement for the offenders therein mentioned, until the Penitentiary house or houses for England and Wales should be erected; and whether, in the event of the erection of such houses being delayed for some time longer, any house of correction or other place within their respective counties, could in their opinion and that of the magistrates of the county, be advantageously used for the purpose of a Penitentiary House; the answers to that letter were laid before your Committee; from which answers it appears, that the principles laid down in the 19th Geo. 3, respecting Penitentiary houses, are now imperfectly pursued in the gaols and houses of correction of several counties, under the authority of the general acts which have been since passed, relative to the employment and treatment of criminal prisoners; that in many of the other counties there are gaols and places of confinement capable of being used as Penitentiary houses; and that in some counties, gaols are now building, parts of which may without inconvenience be appropriated to that purpose.

It further appears to your Committee, from the observations contained in the letters alluded to, and from the witnesses which they have examined, that strong objections exist to the erection of the proposed Penitentiary houses for England and Wales, founded partly on the great expence of removing persons sentenced to temporary confinement from one extremity of the kingdom to the other, and partly upon the various inconveniences which would arise from discharging, in the neighbourhood of the metropolis, at the end of their imprisonment, offenders received from distant parts of the country; but above all, on the inadequacy of the measure to afford any material advantage to the country at large, or to supersede the necessity of local places of penitentiary confinement. Upon the last ground of objection, all the magistrates whose sentiments have come to the knowledge of your Committee, seem to think that very little benefit could be conferred upon their respective counties by the reception into penitentiary houses of the small number of convicts allowed by the 19th Geo. 3, to be sent thither from each circuit; which number cannot be materially increased, without extending the proposed establishment to a magnitude that would far exceed the limits hitherto in the contemplation of the legislature, and would, in the judgment of your Committee, be highly inconvenient and objectionable.

The whole number to be provided for in the Penitentiary House, under the 19th Geo. 3, was fixed at 600 males and 300 females. And the numbers which migh be sent from the different courts and circuits, under the 25th clause of the act were as follows: from each of the four Welsh circuits, two; from any one session of oyer and terminer and gaol delivery to be holden for the city of London, four from any such session for the county o Middlesex, nine; from each northern circuit, eight; from each of the Midland and Norfolk circuits, ten; from each of the Oxford and western circuits, twelve; and from each home circuit, sixteen. No direction was given in respect to the proportion of males and females to be sent from the different circuits and courts, under this clause; and the 34th Geo. 3, does not contain any provision upon these points.

The counties of London and Middlesex in particular have been brought to the notice of your Committee, as requiring for their use a distinct establishment, capable of containing as many female convicts as were to be received into the Penitentiary House for England and Wales, under the 19th Geo. 3, and as many males as may consistently with prudence and convenience be placed together.

The prisoners confined in the gaol of Newgate are of course of very different descriptions, consisting of persons committed to take their trial for various offences,—from the charge of a misdemeanor, to that of the most atrocious crime which can be perpetrated—of convicts sentenced to imprisonment for different terms, in proportion to the guilt of the several offences (felonies or misdemeanor proved against them—of felons transportable (either under their original sentenc

having been pardoned upon that con-
n) who must remain in the county
until they can be otherwise disposed
government—and lastly, of convicts
r sentence of death. Some judgment
be formed of the proportion which
different classes bear to each other,
Mr. Newman's evidence in the Ap-
dix to this Report, showing the number
ach class on the 25th March 1811.
persons committed for trial become
numerous a short time previous to
sessions, many being transferred to
gate from other prisons at that time.
ost of the transportable male convicts
removed to the hulks within a few
ths after their conviction; but in-
ces occur, in which, being unfit for
sportation on account of age or infir-
, they remain in the gaol during the
le of the term for which they were
enced to be transported; and the
hen must continue there in all cases
l they can be sent abroad, there being
other place of confinement to which
can be removed previous to their
g ordered for transportation.
he persons in confinement, with the
eption of such as are condemned to
h, and have not been respited, who
kept by themselves, and of 30 or 40
viduals (chiefly committed for misde-
nors) who occupy what is called the
side of the gaol, are all distributed
four divisions of the prison or yards,
h communicating with several wards
ooms in which the prisoners are locked
at night, passing the day either in the
ds or in the yard, at their pleasure.
these yards or divisions, three are al-
ed to the males, and one to the females.
of the yards appropriated to the
es, are called the felon's side, and the
er is styled the master's side. The in-
gence of being confined on the master's
, can only be procured by paying an
ance fee of 13*s.* 6*d.* and a weekly sum
2*s.* 6*d.* to the keeper; but prisoners of
descriptions, except those under sen-
ce of death, and not respited, may
chase the privilege of admission upon
se terms. It is made a condition of
ir continuance there, that they should
ave well; and in case of misbehaviour,
keeper removes them to the felons'
. The benefit derived to the prisoner
n this privilege, only consists in the
of a bed, which is found for him by
keeper, and in the advantage of being
arated from the society of his more indigent fellow prisoners, and placed among persons of sufficient ability to make the payments which have been mentioned; for he is not entitled to be treated in a different manner from those on the felons' side. The advantage of this separation is less perfectly enjoyed by the females confined on the master's side; as in the part of the gaol allotted to the women, the master's side and felons' side have a common staircase, and communicate with the same yard, consisting of two small slips of ground, to which all the females resort for air and exercise indiscriminately.

In the distribution of the prisoners into the four yards or divisions of the prison above described, no distinction is made with reference to the causes or nature of their respective commitments; nor does it appear, that under the present circumstances of the gaol, any plan of separation founded upon such distinctions could conveniently be carried into effect.

The practice of allowing prisoners to communicate freely with their friends, which must of necessity prevail to a considerable degree in the case of those who are committed for trial, is in this prison extended alike to offenders of every description. The friends of the male prisoners are admitted into their yards for this purpose; those of the females communicate with them in general through a railing at one end of the yard. The frequency of this intercourse between the persons confined and those who visit them, is much encreased, by their being in the constant habit of receiving, through their friends, supplies of provisions and other necessaries, without which the prison allowances would scarcely be sufficient for their support. But the free admission of visitors into the part of the gaol appropriated to the confinement of the males, is stated to make the use of fetters necessary; lest, for want of this distinction, the prisoners should make their escape, by passing out unobserved among the persons who have been admitted to see them. The same circumstance adds also materially to the difficulty of preventing the introduction of spirituous liquors into the prison. Great pains are taken to enforce the prohibition contained in the 24 Geo. 2, cap. 40, upon that head; the clauses of the act which relate to that subject, are hung up in a conspicuous part of the gaol; and persons detected in attempting to convey spirits to the prisoners, in violation of the law, are always taken before a magistrate, to be duly punished: it appears nevertheless that such attempts are often made, and that, notwithstanding all the vigilance which can be employed in counteracting them, they are not unfrequently successful. The use of porter in the prison is freely permitted.

It is obvious that the reformation of offenders is not to be looked for in a place of confinement conducted upon the plan here described; on the contrary, the contagion of vice must be expected to render still more vicious a very large majority of those, who come within the prison walls. Mr. Newman, the keeper of the gaol, whom your Committee believe to be conscientiously attentive to the duties of his office, declares himself unable to prevent the prisoners from swearing or gaming. He further states, that they have often been seen drunk; and that it has not unfrequently happened, that a person going to visit a prisoner, has had his pocket picked before he left the prison.

Under these circumstances, there can be but little to observe on the performance of work by the prisoners. The keeper states himself to have endeavoured to introduce a manufacture without success; though instances occasionally occur, in which prisoners earn something by employing themselves at their former trades. Divine service is regularly performed on Sundays at the chapel; but the building is not large enough to accommodate all the prisoners, and their attendance there depends entirely upon their own pleasure.

Your Committee are strongly impressed with the mischiefs which must result from thus placing together offenders, who differ widely from each other in various other circumstances, as well as in the nature of their several offences; and from confounding all distinction between persons convicted, and those who are only committed for trial.—It is highly unadvisable, in the judgment of your Committee, to expose young persons of 12 or 13 years of age to the instructions of those, who can initiate them in all the mysteries of fraud and villainy; or to confine the offender, who has been betrayed in an unguarded moment into the commission of a first crime, and who would perhaps, gladly make his peace with himself, and retrieve, if it were in his power, the loss of his character and friends, among those, whose minds have been hardened by a long course of guilt against shame and remorse; and in whose company such feelings will be repressed in others by ridicule an contempt. But your Committee deem i still more objectionable, to introduce int the society of the vilest criminals, person whose guilt or innocence is yet to be ascertained; who, if they shall hereafter appear upon their trials to have been unde servedly suspected, must nevertheless return into the world degraded in their ow estimation as well as that of others, if no really contaminated, by the companion with whom they have been compelled t associate. The hardship of this promiscuous association is particularly strikin in the case of the female prisoners, b many of whom confinement among th most abandoned of their sex must be fe more severely, both during its continuanc and in its consequences, than the mos rigorous punishment which the law coul inflict.

The evils here complained of, do no entirely arise from the gaol of Newgat being too much crowded, but are in pa owing to the defective construction of th prison, which is very ill calculated fo the separation of prisoners into classes If, however, the transportable convicts and the few felons sentenced to imprisonment in this gaol, could be sent elsewhere immediately on conviction, thei absence would very much facilitate th adoption of such arrangements and regulations as would be of material advantage to the other prisoners. With a vie to this advantage, as well as in consideration of the good effects to be produce within the walls of the penitentiary hous itself, your Committee recommend th erection of such an establishment fo London and Middlesex without delay The average numbers of offenders wh have annually become transportable within these counties, during a period of fiv years ending with 1809, appear by a return laid before your Committee fro the secretary of state's office, to be follows:

	Men.	Wom
Transportable for 7 years...... ..	158	61
for 14 years........	6	3
for life......... ..	29	6

Of the felons who receive sentence of imprisonment within the same counties, th larger proportion, viz. those sentenced Middlesex, are already provided for, b ing transferable, as soon as their sentenc is passed, to the house of correction fo that county, in Cold Bath Fields; b such of them as are condemned to th punishment in London, are imprisoned gate, there being no house of correc- in London to which they can be As, however, the custody and main- ce of convicts of this description are erly a charge upon the county in 1 their offences are committed, and pon the public at large, it may rea- ly be expected that, if the transport- convicts shall be taken out of New- the corporation of London will make er arrangements for separating the s in their custody under sentence of isonment, from other prisoners, and roviding them with work. It is un- ood that the city have for some time t in contemplation to build a house of ection, in which offenders of this de- tion would be confined.

nder these circumstances, your Com- ee are of opinion, that the peniten- house now proposed, should be erect- n such a scale as to be capable of re- ng all the females who shall become e to transportation for seven years in the counties of London and Mid- ex, and of affording a temporary ac- modation to such as shall be trans- able for 14 years or term of life, until ortunities shall occur of sending them ad. The numbers for which the se should be calculated with a view hese objects may be estimated at 300 east. Your Committee think it de- ble, that the penitentiary house for e offenders, whether in the same or in parate building, should be made large gh in the first instance for the recep- of a great proportion of those tran- table for seven years; regard being to any supposed danger that might e to the metropolis from the numbers ced together, to the expence of the es- ishment, and to such future enlarge- it of the building as may be found ex- ient in the course of the further en- ries of the Committee.

n considering the arrangements con- ted with this measure, and the plan n which the management of such pe- entiary house or houses should be ced, your Committee proceeded to en- re how far the provisions of the acts erred to them, relative to the peniten- y house or houses therein proposed for gland and Wales, and the proceedings ler those acts, could be made applica- to the present purpose.

It appears that the acts alluded to, were med on very different views in regard the manner in which the system of a penitentiary house should be conducted: and although the 34th Geo. 3. cap. 84, did not in its terms purport to be a repeal of the 19th of the King (the whole of which had been continued by the 34th Geo. 3, cap. 60, to the year 1799, when that part of it which relates to the penitentiary houses was further continued by a separate act to 1802, and then suffered to expire) the two statutes were totally inconsistent with each other.

The 19th Geo. 3, cap. 74, after enabling his Majesty to appoint three supervisors, for the purpose of procuring ground and making contracts for building two penitentiary houses with the approbation of certain persons mentioned in the act, vested the superintendence of the houses, when built, in a Committee of three gentlemen, or other creditable and substantial persons to be nominated by the King in council, who were to visit the establishment in person, and to receive an allowance for each day's attendance in the duties of their office. The Committee were to make regulations (to be allowed and confirmed as in the act is directed) for the management of the houses and of the offenders to be confined therein; and they were to elect a governor, matron, chaplain, surgeon, or apothecary, and such other officers as they (with the like allowance and approbation) should deem nenessary, the officers when elected being also removable by their order. The contracts, which the governor was empowered to make, for the clothing, diet, and all other necessaries, for the maintenance and support of the offenders confined in the house, or for implements or materials of any kind of manufacture, were to be previously approved of by this Committee; and the accounts of the governor and storekeeper were to be submitted to their examination, and verified before them upon oath, if required. It was also provided, that any justice of the peace for the county where the House was situate, might visit and inspect every part of it, at all reasonable times, in order to make a report to the quarter sessions of any abuse or mismanagement, or to give notice thereof to the inspector to be appointed for the vessels and ships employed for the confinement of offenders under this act, whose office extended also to the inspection of these penitentiary houses; but no other persons, except the officers and servants of the house, were to go at any time into the prisoners' lodging rooms, or to see and converse with the prisoners, unless authorised so to do by order of two of the Committee.—The act contained various provisions in respect to the treatment and employment of the offenders confined; among which are the following:—It directed, that offenders, of sufficient health and ability, should be kept to labour of the hardest and most servile description, some kinds of which were enumerated, and it laid down rules as to the number of hours during which they should be so employed in different parts of the year. It enacted, that they should be lodged in separate rooms or cells, of the size described in the act, during their hours of rest; and that they should also be kept apart from each other, during their hours of labour, in cases where the nature of their several employments would permit; but if the work in which they should be employed, should be such as to require the labour of two or more at the same time, some officer or servant belonging to the house was always to be present, to observe their behaviour; and such two or more persons were not to be suffered to continue together, except during the hours of labour and divine service, and the times respectively allotted for their meals and airings.

The act also contained some directions respecting the food and clothing of the offenders, which were to be ordered in conformity thereto, in such manner as the Committee should appoint; and a penalty was imposed on persons wilfully supplying them with any food, drink, or clothing, other than such as should be so appointed, or with any money.

The offenders were to be divided into three classes, formed by a division of the time for which each offender was sentenced to be confined, into three equal portions; during the first of which he was to be in the first class; he was to advance successively into the second and third classes; and his confinement was to be made less strict, and his labour less severe, in each successive class, according to regulations to be framed by the Committee under the act. On the final discharge of the offender, he was, under the Committee's direction, to be decently clothed, and to receive for his immediate subsistence, a sum of money, not exceeding three pounds, nor less than twenty shillings, if he had been for the space of one year in the house; and so in proportion for any shorter time of confinement; and if he could then procure any respectable person to employ him, with the Committee's approbation, for one year, he was to be entitled, at the end of the year, to a further sum of money, equal to that which had been allowed to him on his dismission from the house.

It was moreover provided in this act, that if the Committee should observe or be informed of any extraordinary diligence or merit in any of the offenders under their inspection, they should report the same to the judges at the assizes, who might thereupon shorten the confinement of such offender, in case he should be committed for a term of months or years, either on condition of his serving in the sea or land forces, if a male, or without any condition, at their discretion; and if the offender should be committed for life, under a conditional pardon, might report him to his Majesty, as an object of royal mercy.

The provisions of the act above stated, comprehended female offenders as well as males.

The 34th Geo. 3, cap. 84, reciting that certain lands at Battersea Rise (which are described in the recital, and stated to contain 79 acres and one rood) had been fixed upon by the supervisors appointed in pursuance of the former act, and after being duly approved of under the provisions of that act, had been valued by the verdict of a jury at 6,600*l.* but that penitentiary houses had not been erected, directs the lords commissioners of the treasury to fix upon that spot of ground, or any other equally convenient, and to contract for the erection of a penitentiary house or penitentiary houses thereupon. They were to appoint a feoffee or feoffees to treat for the ground, and accept a conveyance of it; and the usual powers were given to compel a sale by the owners of the spot selected.

The provisions of the former act, respecting the appointment of a Committee for the superintendence of the establishment, as well as those enactments which related to the treatment of the offenders to be confined therein, were virtually superseded, by the third clause of this statute enabling his Majesty to nominate a governor or governors of such penitentiary house or houses when erected, and giving to such governor or governors the care, management, superintendence, and control of the same, under such powers, directions, limitations, and restrictions, as are

ained in the 24th Geo. 3, cap. 56, or
hould be appointed by his Majesty
er the powers of that act; which is an
empowering his Majesty to commit to
care of persons to be named overseers,
nders either under sentence of death
reprieved, or under sentence of trans-
ation, to be fed, clothed, and kept to
l labour, in such places and under such
ctions as his Majesty shall appoint.
he 34th Geo. 3, appears to have been
ught into parliament with a view to an
ngement which had been for some
e in contemplation, founded on an offer
le by Jeremy Bentham, esq. a gentle-
n of great respectability, to contract
h the lords commissioners of the trea-
y for the erection of a penitentiary
se, and the care and custody of the
sons to be confined therein, upon a
n described in a paper entitled, "A
posal for a new and less expensive
le of employing and reforming Con-
s," a copy of which is contained in the
pendix to this Report; and about a
nth before the act received the royal
ent, a sum of 2,000*l.* was actually ad-
ced to Mr. Bentham, from the trea-
y, by way of imprest, to enable him to
ke such preparation as might be ne-
sary for the custody and care of the
victs proposed to be confined in the
itentiary houses intended to be erected.
appears that Articles of Agreement
e accordingly drawn up between the
ds commissioners of the treasury and
. Bentham; and the various sums of
ney to be received or paid by the con-
ctor, in the several cases that might
ur under the contract, were settled and
rted in the draft, a blank being only
for the description of the ground; in
selection or purchase of which, the
iculties which have prevented the com-
tion of the arrangement appear to have
sen.

It does not appear for what reason the
e of the intended erection was changed
m Battersea rise, but the ground which
d been chosen there, and valued under
former act, was abandoned, before any
ntract for the conveyance of it had
en completed, for a spot in Tothill
elds, where 53 acres of land were pur-
ased for 12,000*l.* and a conveyance of
em taken on the 12th day of October
99 from the vendor to Mr. Bentham, as
ffee under the provisions of the 34th
o. 3.

Mr. Bentham, who is still in possession of this land, considers himself as entitled to have attached to the Penitentiary House under his contract, such additional quantity of ground as shall make the whole of what is allotted to him, amount to 79 acres, that being the number which he found appropriated to the intended establishment, by the recital in the act of parliament; and he states upon that head, that the portion of such ground, which may exceed the quantity absolutely necessary for the erection of a Penitentiary House, formed a part of the consideration for which he consented to the terms of the original agreement, and that he intended to use the whole for the purposes of the establishment, by employing such of the convicts as were fit for it in agriculture and gardening.

Mr. Bentham having appeared to your Committee to be still desirous that the contract, to which, though not actually signed, he conceives the public faith to be fully pledged, should be carried into effect, with such variation in the sum of money to be paid by government for the maintenance of each convict as should be deemed equitable, in consideration of the advance of price which has taken place in all articles of consumption since the agreement was framed, and with the exception of such part of the agreement as relates to the erection of the buildings for the Penitentiary House, which he does not now find himself able to undertake; your Committee found it necessary to enter into the consideration of the principles of the contract alluded to, in order to form a judgment on the expediency of its adoption for the management of the Penitentiary establishment recommended in this Report.

Mr. Bentham's offer, the terms of which appear, in a pecuniary point of view, to be advantageous to the public, was founded, according to the statement contained in his original proposal, upon his having "contrived a building in which any number of persons might be kept within the reach of being inspected, during every moment of their lives."

The Plan upon which it was his intention to erect this building, may be seen in a paper annexed to the proposal, and entitled, "Outline of the plan of construction alluded to in the above proposal;" and models of a Penitentiary House, as therein described, were exhibited to many persons in Mr. Bentham's own house, before his proposals were accepted; but no plan or form of building is referred to in the articles of agreement, and Mr. Bentham states himself to be at liberty under it, to place what number of convicts or prisoners he may think fit, in the same cell, and to make them sleep and work in the same apartments; which statement appears to your Committee to be correct, there being no restriction or direction relative to those points to be found in the articles.

By the agreement, Mr. Bentham is to build, within one year after he shall get possession of the ground mentioned therein, fit accommodation for 1,000 male convicts or prisoners, certain sums of money being to be paid to him for that purpose by instalments; and he is afterwards to make provision for the reception of supernumeraries, if required, upon certain terms.

The contract being to continue during the lives of Mr. Bentham and his brother, general Samuel Bentham, the building, and the stock and effects used therewith, are to be valued on the decease of the survivor of them, and a deduction being made of the sum of money originally advanced by government, the remainder of the estimated value is to be paid to the representatives of such survivor.

The management of the prisoners is to be vested in Mr. Bentham, (or in any fit person or persons to be named by him from time to time, during his life, to exercise the authority and receive the benefits derivable under the contract) with the appointment of governor, and with such powers as his Majesty is enabled to grant under the 24th Geo. 3, the Act to which the 34th of the king refers upon that head, as has been already stated; and in the event of Mr. Bentham dying in the lifetime of his brother, general Samuel Bentham, "the same office and powers are to be exercised, and the benefit thereof enjoyed by the said Samuel Bentham, or some person or persons to be named by him, during his natural life."

The contractor is to receive a certain allowance for the care and maintenance of each prisoner, and is to be annually paid for 1,000 at least, though the persons committed to his charge should not amount to that number. He is also to retain for himself three fourths of the profit upon their labour; the remainder being appropriated to their own use, payable in part to them immediately, and in part convertible, on the expiration of their respective terms of imprisonment, into annuities for their future benefit.

The contractor undertakes, on his side, to feed and clothe the prisoners, supplying them daily with wholesome sustenance, composed of bread and meat, and other articles commonly used for human food, and with one suit of clothes yearly, as well as with a clean shirt twice a week.

He is also to furnish each a separate bed and bedding, of sufficient warmth, with clean sheets or blankets once a month; and he engages, that "all possible attention shall be paid to the cleanliness of the prisoners in every respect, as far as circumstances will permit; that the Penitentiary House and buildings belonging thereto shall be sufficiently warmed and lighted; and that every proper precaution shall be taken to prevent the same from becoming infectious or unwholesome, to preserve the prisoners in good health."

He further engages to provide, at his own expence, a clergyman of the church of England to live on the spot; a surgeon; and a sufficient number of competent schoolmasters, by whom instruction shall be administered on every Sunday at least, in reading, writing, and arithmetic, to such of the prisoners as shall stand in need of it.

Subject to these stipulations, every arrangement, in regard to the treatment of the prisoners, as well as the determinatio of the manner in which they should be employed, of the hours of the day or night in which they should labour, and of the classes or numbers which should eithe work together, or associate at their meal or times of exercise or recreation, is entirely left at the discretion or will of th contractor; while every officer and servant, connected with the establishment, i to be placed there by his appointmen and removable at his pleasure.

The system of management here described, appears to your Committee t have been framed with reference rathe to the personal character of the party, i whose custody the prisoners were on th first instance to be placed, and to the favourable opinion entertained of the construction of the building proposed by him than to the principles upon which prison have hitherto been conducted in thi country. Your Committee are satisfied that Mr. Bentham would enter upon th undertaking, to which his contract relate with the best intentions; but the prosecution of that measure, together with th fits derivahle under the contract, t, by the terms of the agreement, at any time into other hands; and if that were not the case, the ar- ement above stated is too exception- on general grounds, in the judgment our Committee, to be adopted from dence in an individual.

nder the 22nd Geo. 3, c. 64, s. 8, h prohibits the governor or keeper of ouse of correction from having any ntage from the sale of any article in the house, there is a security for goodness of the provisions and neces- s sent in on account of the public for use of the prisoners, arising from the umstance of their passing under the of the governor and his servants, who no interest in concealing their de- s; while the governor is not exposed ny temptation to sanction the intro- ion of any improper degree of luxury the prison, with a view to his own it, or of demanding an undue price for articles as may properly be admitted re.

Ir. Bentham's contract contains no vision upon these points. If, however, objection could be removed by addi- al articles in the agreement, by the blishment of a fixed table of diet, by the appointment of resident in- ctors, the public could have no rea- able assurance that sufficient attention ld be paid to the religious instruction moral improvement of the prisoners, er a system of management, every t of which is to be formed and directed a person, whose interest it must be the prisoners committed to his charge uld do as much work as they were petent to execute, and that their la- r should be exercised in the manner which most profit would be produced. he chaplain should suggest, that indi- uals, very profitably employed in the e workshop, were unfit, from their racters or other circumstances, to as- iate with each other, or that any prac- in the prison, which might be conve- nt in a manufactory, operated to rd rather than to accelerate the pro- ss of moral improvement, it cannot be posed that such intimations would be rd with as ready an acquiescence, and uld meet with the same encouragement, en addressed to a governor, whose pro- they were calculated to diminish, as they were communicated to persons ving no interest in the produce of the soner's labour.

Your Committee see much reason to apprehend, that under a system, in which pecuniary advantage is thus made the most prominent object of attention, the experiment of reformation would not be fairly tried.

An answer has been supposed to be furnished to this objection, by an article in the agreement, binding the contractor to make compensation for losses occasioned by the future felonies of every person who may have been confined in the Penitentiary House, to an amount varying from *5l.* to *25l.* (for the felonies of the same individual) according to the length of the period during which the offender shall have been under his care; which provision is argued upon as giving a sufficient interest to the governor in the reformation of every prisoner. Your Committee, however, attach very little importance to this article; and it is the more nugatory, as, although its operation must continue during the lives of all those who shall come under the care of the contractor, no funds whatever are provided in the contract, or are now proposed, to answer the contingent payments to become due after the contractor's death.

Reliance has also been placed on a provision of the same kind, operating in the nature of a pecuniary penalty, for the preservation of the health of the prisoners; it being agreed in the 17th article of the contract, that the contractor should ensure the lives of the persons confined, on such terms, that if more than a certain number shall die within the year, he would be a loser instead of a gainer by the insurance: your Committee observe, that in their opinion the health of the prisoners will be more effectually guarded by the exercise of the judgment of a professional man, not dependent upon the governor, and acting under the direction of other disinterested persons, than by the payment of any sum of money to fall on the governor in the case of the prisoner's actually dying within the walls of the prison during his confinement.

It appears to the Committee, that the proposed system affords no sufficient protection to the prisoner, upon any point.

In a place of confinement, in which the prisoners are compelled to work, and expected to be reformed, something of a more strict discipline may be looked for than in ordinary prisons. It is therefore more particularly requisite, that in a Penitentiary House opportunities of complaint should be frequent, and redress near at hand.

The most obvious channel of complaint, if the governor be concerned in the supposed injury, is the chaplain, within whose province it lies, as on the one hand to endeavour to reconcile the mind of the offender to the lot which he has brought upon himself by his misconduct: so on the other, to prevent its severity from being aggravated by any hardships or privations which the law did not intend to impose.

The surgeon is another person, through whom the prisoner may properly complain. But to make these officers of real use in this particular, they must occasionally confer with the prisoner without the presence of the governor or his servants; they must neither be under strong obligations to the governor, or subject to his power; and they must be in habits of communicating with persons armed with sufficient authority to punish or redress the grievances laid before them.

The Committee to be appointed under the 19th Geo. 3, had full powers at all times for this purpose, and they or any two of them were to examine into the state of the Penitentiary House, at least once in every fortnight, and to "see every offender confined there and not disabled by sickness."

In the contract, no provision whatever is made for personal inspection: but the governor is to present a comprehensive report in writing, of the whole state of the establishment, to the court of King's Bench on the first day of every term. And he is to answer, upon oath if required, all questions put to him by the judges of that court, or by any one judge thereof in vacation time, or by any officer of the crown, or by any other person with the leave of the said court, or of any one judge thereof. And he is further to surrender his office of governor, if ordered by the said court, "on proof duly obtained as above, or otherwise, of misbehaviour in the execution of the said office."

The insufficiency of this article, (the only one in the agreement that concerns the superintendence of the establishment) to provide for the redress of grievances, or the correction of any improper practice which may prevail there, is so evident that it cannot be necessary for your Committee to enlarge upon this point.

It is obvious that circumstances must frequently occur in a prison, which call for the interposition of higher authorities to censure or control the keeper, without constituting such instances of misbehaviour, as would justify the avoidance of a beneficial contract. To occasions in which an erroneous or indiscreet mode of treating the prisoners should be pursued, from want of judgment in the contractor, or from any cause not falling under the description of "misbehaviour," the proposed remedy by the authority of the King's Bench appears to be totally inapplicable; and in the cases in which it does apply, it could only be attained in term time, while the court, which is to make the order, is sitting.

Mr. Bentham supposes, as may be seen in his evidence, that sufficient inspection, and opportunities enough of making complaints on the part of the prisoners, might be afforded, by the admission of the public at all reasonable times into the inspection room in the middle of the building, from whence all the cells would be visible, and which would be accessible to the voice of every prisoner by means of tubes, to be constructed for that purpose; and he seems to lay some stress on the vigilance which the newspapers are to exert in watching his conduct. But your Committee, agreeing with Mr. Bentham in the belief that curiosity would bring many persons to view a Penitentiary House of so novel a construction, do not concur in the supposition, that any intercourse of the description alluded to between such visitors and the prisoners, can supersede the necessity of having persons nominated expressly for the inspection and superintendance of every part of an establishment of that nature, in whom the powers of obtaining information, in regard to any mismanagement, shall be accompanied by sufficient authority for its correction.

While your Committee state their opinion, of the inexpediency of carrying into execution a contract of the description above stated, they feel themselves called upon to bring under the notice o the House, the strong equitable claim which Mr. Bentham possesses to compensation, in consequence of the contract no having taken effect. Your Committe have not gone into a detailed examinatio of the various circumstances connecte with that subject, as an inquiry of tha nature might have occasioned an inconvenient delay in their reporting upon th more important matters referred to them

Ir. Bentham has stated, that he was uraged by his Majesty's government e measures preparatory to the erecbf the intended establishment; that s employed much time, and has exed a large sum of money in addition e 2,000*l*. advanced to him in 1794, as ioned above, in preparations for the ution of his part of the agreement; that its non-performance was not g to any default or backwardness on de. He has, therefore, under these mstances, a just right to expect, not that the money so laid out should be d, but that a liberal remuneration ld be made to him for his trouble and ate disappointment (he on his part unting for any advantage that shall accrued to him from the lands, of h he has been stated to be in posses- as feoffee). And your Committee nmend, that measures should be taken e settlement of these claims without y.

he 19th Geo. 3, appears to your Comee to have been framed on a more ect view of the arrangements coned with a Penitentiary House, than is e found in the articles of agreement e described; although this statute , perhaps justly, be considered as g too much into detail, and as making points matter of positive enactment, h might with more convenience have left to the discretion of those persons whom the rules and orders for the retion of the establishment were to be ed, and in whose power it would be ter them, if practice and experience ld shew the propriety of alteration.

n the basis of this statute was founded part of the Gloucestershire Act (the Geo. 3, c. 10.) which concerns the itentiary House at Gloucester; to the es and Orders of which, as well as to e of the house of correction at South-, your Committee beg leave to call particular attention of the House.

he control over the management of Gloucester Penitentiary House is vested he Act in the justices of the peace for county assembled at the quarter sess, who are to appoint such officers (revable at their pleasure) and to annex salaries to the respective offices as y may think fit; and are also authod and required at such sessions, seven hem being present, to make rules and ers for the regulation of all matters nected with the treatment of the prisoners. But in making such rules, they are directed to have regard to the discipline, provisions, and directions of the 19th Geo. 3, concerning the two national Penitentiary Houses there mentioned, as nearly as shall appear to be consistent with the more limited design of the Penitentiary House for the county of Gloucester. And the rules and orders so made are not to have any force until they shall have been submitted to the justices of assize, and until such justices shall have subscribed a declaration, that they do not see any thing in them contrary to law.

Two or more justices of the peace are to be appointed at the Michaelmas quarter sessions, as visitors of the prison, who are to examine into its state and condition, either together or singly, at least three times in every quarter, and oftener if need be, and to make reports at every quarter sessions thereupon. But every other justice for the county may visit of his own accord, and report abuses to the quarter sessions.

The 14th clause of the 31st Geo. 3, c. 46, containing a provision of a similar nature to that introduced into the 19th Geo. 3, for shortening the confinement of offenders on the discovery of any merit or extraordinary diligence, extends to this prison, in common with other gaols, in which convicts are set to work.

In the Gloucester Penitentiary House, each prisoner has a separate cell or room to sleep in at night, and another, in which he is to be employed in the day-time.

The prisoners do not however pass the 24 hours in solitude; they begin the day by attending chapel, after washing themselves at cisterns in the yards; from chapel they return into the yards; and from thence, having each received his loaf of bread, repair to their several working cells. Their breakfasts are delivered to them there, by two of their fellow prisoners, accompanied by an officer of the prison. After breakfast, two of them are taken from their cells, to tread in a wheel, used for raising water to the top of the building; they continue at this employment for about twenty minutes, and are then directed to walk about for twenty minutes more, two other prisoners succeeding to their places at the wheel, and being themselves relieved in turn by others. They receive their dinners in their cells, and continue there until they leave off work in the evening, when they all walk in the yards for half an hour previous to their retiring to their night cells. They do not wear fetters, the use of irons in this prison being laid aside as wholly unnecessary.

While the prisoner is in his work cell, he is occasionally attended by the task-master or other person appointed to instruct him, and visited by some of the superior officers of the prison. The governor himself is bound to see every person committed to his care once in 24 hours, and to examine once in every day the state of all the wards and cells which the prisoners occupy. It is made part of the chaplain's duty frequently to see and confer with the prisoners, without the governor or other officer being present, to enquire into their situation, and to observe the state of their cells. The surgeon is directed, besides visiting the sick, to see every person confined twice a week, and to inquire into the mental and bodily health of every such person. In case he shall have reason to believe that either the mind or body of any prisoner is materially affected by the discipline or diet of the house, he is to inform the governor thereof, who is to alter the discipline, or vary the diet of such prisoner, until the next meeting of the visiting justices. If, however, the state of the prisoner's health requires a deviation from the ordinary prison diet, he is removed to the hospital ward. No instance has hitherto occurred, in which the degree of solitude imposed within the prison has been attended with any unfavourable effect on the mind.

The governor is enjoined to keep a regular journal of the daily events in the prison, and to register all punishments inflicted. The chaplain also, and surgeon, are directed to keep journals, in which are to be entered, not only facts, but such observations as may occur to them in the exercise of their respective duties.

When the Penitentiary House was first established, the prisoners were divided into classes, in conformity to the clause of the 79th Geo. 3, which directs that the solitude and labour shall be successively mitigated in the second and third classes. The practice, however, of thus classing the prisoners, has been discontinued on the advice of the chaplain, who was of opinion, that, "on their admission into the second and third classes, in which they were allowed to work in companies, the impressions, made on their minds during their former term of seclusion, were immediately obliterated, by idle conversation naturally taking place between such associates;" and the course of proceeding which has been stated, appears to be now uniformly pursued during the whole of the offenders confinement, except as to those who may be selected for the performance of particular duties or offices within the prison. The prisoners do not become entitled to any portion of their earnings, nor does their daily fare depend in any degree on the quantity of work which they may respectively perform; they live by a fixed dietary, from which beer and all fermented liquors are excluded; but if in any case more bread than is there set down is required by the prisoners, it is freely given. They are not permitted to receive any food, drink, or clothing, except what has been appointed for them by the justices; nor are either the friends of the prisoner, or strangers, permitted to see him, unless authorized by a special order in writing of the justice who shall have signed the original commitment of the offender to gaol. Due attention is paid to the religious instruction of the prisoners, who are also taught to read and write by fellow prisoner selected by the chaplain the rule, which enjoins the separation o prisoners from each other in the cells being relaxed for this purpose.

When a prisoner is discharged, if h has conducted himself properly during th confinement, he receives a certificate o his good behaviour from the chaplain an governor, or from the chaplain and on of the visiting justices; and in the even of his procuring a respectable service fo a year, and behaving well therein, he allowed a reward by the justices at ses sions upon the principle of the provisio to that effect in the 19th Geo. 3.

The House of Correction at Southwell established under the several acts relativ to such places of confinement, by whic the justices of the peace at the count sessions are empowered to make rules fo the regulation of prisons of that descrip tion (such rules not being contrary those laid down in the 22d Geo. 3, c. 64 to appoint and remove the governor an other officers, and to fix the amount their respective salaries. They are als to nominate two or more justices at eac quarter sessions to act as visitors, who r port quarterly on the state of the hous and on the conduct of the officers, as we as of the prisoners, mentioning in deta instances of merit or misbehaviour; the are also empowered, in case of eme

cy, to make occasional arrangements
ne prison, subject to the approbation
ne court of quarter sessions at its next
ting. The governor exercises his au-
ity under their superintendence; and
lso presents a calendar to the quarter
ons, containing amongst other particu-
remarks upon the behaviour of every
on in his custody, as well as an ac-
nt of their work; he is compelled to
p a register of all punishments.

n the Southwell house of correction,
prisoners sleep in separate cells, but
k in the day-time in small companies
distinct wards or sets of apartments,
sisting each of three rooms, viz. of a
-room and a work-room, which are
culated to contain four persons, with a
ller work-room, which holds one.
ese rooms are in general accessible to
the five persons in the same company
class, but the small one is occasionally
d as a solitary cell: for instance, if a
soner has not been orderly during the
ceding week, he passes Sunday in that
alone, instead of associating with the
of his class.

Every convicted criminal on his first
ning into the prison is kept by himself
twelve or twenty-four hours, or two or
ee days, as the state of his mind may
m to require. There is a separate air-
ground to each ward.

The prisoners are put to different kinds
work, according to their ability; but
ir most common employment is the
paration of cotton for the mill. The
essary materials and implements of
our are furnished by the manufacturers
the neighbourhood, on whose account
work is performed, the prison being
ated in a manufacturing part of the
ntry.

The produce of the prisoner's labour is
ided, in certain proportions, between
governor, the county, and the pri-
ner; a daily task being fixed for each
ividual, under the direction of the
itors, estimated at one half of what he
n execute by reasonable exertion; he
however, at liberty to perform as much
re work than his task, as he may chuse,
d is entitled to the whole fruit of this
ditional industry, under the denomina-
n of his "extra share." The particu-
s of this arrangement respecting the
vision of the prisoner's earnings, which
calculated to prevent the governor from
ving such an interest in the quantity of
rk done in the prison, as might tempt him to urge individuals to labour beyond their strength, may be found in the evidence of Mr. Becher.

The allowance made by the county to each person in confinement, consists of 18 ounces of bread daily, and one penny per day; and whatever he may require further, to furnish him with additional food, with clothing or with fuel, must be provided, by his share of his earnings, of which, however, he is not permitted to spend above 3*s.* for these purposes in one week; the remainder is laid up for his use when he shall quit the prison, or he may, with the approbation of one of the visiting justices, send it to his family, which is very frequently done.

The friends of the prisoner are permitted to see him, on obtaining an order from one of the justices for the county; but they are not allowed to enter his apartments, unless there shall be some special direction for that purpose in the order, or to approach him near enough to convey any thing into his possession without its being seen by the turnkey.

The prisoners are supplied with proper books; they are encouraged to read to each other; and due attention is paid to their moral and religious improvement. This, however, is in a great measure owing to the peculiar interest taken by the visiting justices, and the chaplain, in their welfare; since the 22d Geo. 3, c. 64, by limiting the annual salary to be allowed to the chaplain of a house of correction, by the quarter sessions, to 20*l.* makes it impossible for the court to require more from gentlemen in that situation than the performance of divine service on Sundays.

In both these systems of Penitentiary confinement as well as in the 19th Geo. 3, the reformation of the offender, instead of being a secondary concern, which must be the case, if all power and influence within the prison were lodged in the hands of persons contracting for the manual labour of the prisoners, is contemplated as the primary object, to the accomplishment of which every regulation of arrangement is to be made subservient. As to the means however by which this desirable end is to be attained, each of these three schemes of improvement appears to differ in some degree from the other two. The 19th Geo. 3, considers hard labour as constituting part of the punishment to which the offender is to be subjected; and accordingly directs, that the work in which the prisoners are to be employed shall be of the hardest and most servile kind, "in which drudgery is chiefly required," specifying some kinds which are supposed to be particularly laborious. The improvements in machinery have rendered it difficult to find employment of this description; and in the Penitentiary house at Gloucester, where the principle of seclusion during the hours of labour, as laid down in the 19th Geo. 3, is adhered to, and even continued throughout the whole term of the offender's confinement without the relaxation which was to take place at successive periods under that act, the work given to the prisoner, instead of being intended to aggravate the weight of his imprisonment, is introduced in alleviation of it. Labour is there considered as an occupation of the mind, without which, solitude, even in the limited degree imposed by the arrangements of that prison, would be injurious, and in which an individual separated from others will gladly seek relief from the pressure of reflection without an object.—In the house of correction at Southwell, separation during the day-time forms no part of the general system, though it is occasionally resorted to as a punishment for misbehaviour within the prison; and the labour of the person confined is called into action, and encouraged, by an offer of a large share of the profits arising from his work. It is there supposed, that the vigilance of those who have the care of the prisoners will be able to prevent any mischief that might result from the communication of a few individuals with each other; and that in the small circle in which the offender is allowed to move, he may be expected under proper management to form habits of industry and self-restraint, which he will be likely to practise on his return to society.

The systems which have been pursued at Gloucester and at Southwell have both the testimony of experience in favour of their efficacy; and your Committee are of opinion, that both may be advantageously applied at successive periods in the course of the same imprisonment, in conformity to the principle of the clause of the 19th Geo. 3, which forms the prisoners into classes with a view to the progressive mitigation of the strictness of their confinement. Your Committee do not consider the statement already adverted to, from Gloucester, concerning the effect of the prisoners' conversation with each other when they come together, in obliterating the good impressions which had been made on their minds by previous seclusion, as conclusive against the propriety of allowing them to work in small companies during the latter part of their imprisonment, under proper regulations and arrangements; it having appeared, on the contrary, that reformation has actually been produced at Southwell amongst criminals who have been employed in that manner during the whole term of their confinement. When, however, your Committee recollect, that the offenders within this metropolis and in its neighbourhood, for the reception of whom the erection of a penitentiary establishment is recommended in this Report, must consist for the most part of a much more depraved and hardened description of criminals than those who usually come withi the reach of justice in the country, the are convinced that the plan pursued a Southwell would be very inadequate t the purposes of a penitentiary house fo London and Middlesex, unless it wer combined with a previous course of dis cipline, at least as strict as that which i in operation at Gloucester. It seems t your Committee, therefore, to be advisabl to have two classes of prisoners, founde on the division of their respective term of imprisonment, into two equal portions and to resort to the principles on whic the Penitentiary house at Gloucester i conducted for the treatment of offenders while they continue in the first class, re laxing their seclusion in the latter accord ing to the system adopted at Southwell But a power should be given to those wh have the superintendance of the esta blishment, to bring forward individuals whose merits should entitle them to parti cular favour, from the first class to t second: as well as to degrade from th latter to the former for misbehaviou The latter case only was provided for i the 19th Geo. 3.

With respect to the superintendence the Penitentiary house now recommende your Committee are of opinion, that more eligible arrangement may be mad than that contained in the 19th Geo. on that head.

Your Committee are desirous of avoi ing, if possible, the creation of new plac of profit; and they think it most co sistent with the practice which has gen rally prevailed in this country, in rega to prisons, to entrust the duty of visitin and inspecting a House of the descripti

proposed, to persons whose rank or
tion in society may induce them to
oy a portion of their time for the
fit of the prisoners and the public,
out remuneration. When it is consi-
d how many public institutions in
lon and Middlesex are now managed
uitously, it can hardly be apprehended
much difficulty is likely to be ex-
enced in finding a sufficient number
ommissioners to act in a matter of so
h general interest, without salary or
mpence; and your Committee there-
recommend, that his Majesty in
y council should be empowered to
oint fifteen or twenty noblemen and
lemen to exercise, without pay, such
ers, in regard to the proposed Peni-
iary house, as were given by the 19th
. 3, to the Committee to be appointed
the management and superintendence
he Penitentiary houses to be erected
er that act, or as it may be deemed
isable to entrust to them under the act
be brought in for this purpose. The
ointment should, in the judgment of
r Committee, be annually renewed, as
its renewal the subject of the Peni-
iary house would necessarily be
ught once a year under the notice of
privy council; and an opportunity
uld at the same time be afforded, of
ving out the names of such of the
nmissioners previously nominated, as
uld appear by the minutes of their
ceedings to have relaxed in their at-
dance, and of replacing them by others,
hout the appearance of censure or im-
ation of neglect, which might be in-
red from an express revocation of their
hority.

The Commissioners should also make
annual report to the King in council,
d to both Houses of Parliament, of the
mber of prisoners confined within each
the said Penitentiary houses; of the
ects which shall appear to result from
h confinement; and of the number dis-
arged since the preceding report; and
uld annually lay before parliament an
count of the expenses of the establish-
nt.

The present session being too far ad-
nced to admit of a Bill being brought
for the regulation of the various points
nnected with the Penitentiary houses
re proposed, your Committee recom-
end, that a short act should be now
ssed empowering his Majesty to appoint
ree supervisors, to act under the authority of the Lords Commissioners of the treasury, for the purpose of taking measures for the erection of the buildings required; in which act, provisions might be made for the settlement of Mr. Bentham's claims for compensation, above-mentioned; and for vesting in such supervisors, for the use of the establishment now proposed, the lands of which that gentleman is now in possession as feoffee under the 34th Geo. 3.

Your Committee are not prepared at present to report on the measures which it may eventually be thought proper to pursue, in order to carry the system of Penitentiary confinement into effect in different parts of the country. The most obvious course of proceeding, with a view to that object, would be the erection of penitentiary houses for the different circuits into which England and Wales are divided. But your Committee do not feel themselves justified in recommending the creation of new establishments, which must be attended with a considerable expence, when it has appeared, that there are existing prisons and places of confinement, in many counties, which may be made available for the purpose required, under a proper arrangement with the counties. While offenders, who are liable to be transported either by the condition upon which they have been pardoned after being capitally convicted, or under a sentence of transportation passed at the assizes, are kept in the county gaol, an allowance is made by government on their behalf, to the sheriff, of 2*s.* 6*d.* a week; but if it should be thought advisable that convicts of this description should continue permanently in such of the county prisons as are capable of being appropriated to their accommodation, it would be reasonable that the county should receive a sum of money for every such convict, being a fair proportion to the expence actually incurred on his account. It does not appear that government makes any payment, at present, in consequence of the temporary confinement, in the county gaol, of criminals who receive sentence of transportation at the quarter sessions. It is probable that additional buildings will at all events be required in some parts of the country, for Penitentiary houses; but, before your Committee could be in a situation to propose any measure upon this branch of the subject, it would be necessary to institute inquiries, for the purpose of comparing the average numbers of convicts annually liable to transportation (either under an original sentence, or as being pardoned on that condition) within each county, with the numbers for which the several counties could furnish accommodation as Penitentiary house prisoners; enquiries, which could not be terminated in time to admit of any proceeding being founded on the information to be obtained from them before the end of the present session of parliament. It also appears to your Committee, that the extent of any general plan for the imprisonment of transportable convicts in Penitentiary houses, must very much depend upon the opinion which shall be formed in the course of the other branches of the investigation in which your Committee are engaged, relative to the expediency of pursuing, on a more contracted or enlarged scale, the practice of confining offenders of that description on board the hulks, or that of sending them to Botany Bay.—31st May 1811.

Extracts from the Appendix.

MR. BENTHAM'S PROPOSAL for a new and less expensive Mode of employing and reforming CONVICTS.

The Author having turned his thoughts to the Penitentiary system from its origin, and having lately contrived a building in which any number of persons may be kept within the reach of being inspected during every moment of their lives; and having made out, as he flatters himself, to demonstration, that the only eligible mode of managing an establishment of such a nature, in a building of such a construction, would be by contract; has been induced to make public the following proposal for maintaining and employing convicts in general, or such of them as would otherwise be confined on board the Hulks, for 25 per cent. less than it costs government to maintain them there at present, deducting also the average value of the work at present performed by them for the public, upon the terms of his receiving the produce of their labour, taking on himself the whole expense of the building, fitting up and stocking*, without any advance to be made by government for that purpose, requiring only that the abatement and deduction above-mentioned shall be suspended for the first year.

Upon the above-mentioned terms he would engage as follows:

I. To furnish the prisoners with a constant supply of wholesome food, not limited in quantity, but adequate to each man's desires.

II. To keep them clad in a state of tightness and neatness, superior to what is usual even in the improved prisons.

III. To keep them supplied with separate beds and bedding, competent to their situations, and in a state of cleanliness scarcely any where conjoined with liberty.

IV. To insure to them a sufficient supply of artificial warmth and light, whenever the season renders it necessary, and thereby save the necessity of taking them prematurely from their work at such season (as in other places) as well as preservin them from suffering by the inclemency o the weather.

V. To keep constantly from them, i conformity to the practice so happily re ceived, every kind of strong and spirituou liquor unless where ordered in the way o medicine.

VI. To maintain them in a state of in violable, though mitigated seclusion, i assorted companies, without any of thos opportunities of promiscuous associatio which in other places disturb, if not de stroy, whatever good effect can hav been expected from occasional solitude.

VII. To give them an interest in thei work, by allowing them a share in th produce.

VIII. To convert the prison into a schoo and, by an extended application of th principle of the Sunday schools, to retur its inhabitants into the world instructed least as well as in ordinary schools, the most useful branches of vulgar lear ing, as well as in some trade or occupa tion, whereby they may afterwards ea their livelihood. Extraordinary cultu of extraordinary talents is not, in this poi of view, worth mentioning; it would for his own advantage to give them eve instruction, by which the value of the labour may be increased.

IX. To pay a penal sum for every escap with or without any default of his; irr sistible violence from without excepte and this without employing irons on a occasion, or in any shape.

X. To provide them with spiritual a

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* All these articles taken into the account, the originally-intended penitentiary house, on the late Mr. Blackburne's plan, would not have cost so little as 200*l.* per man: for 1,000 prisoners, 200,000*l.*, exclusive of the whole annual expense of maintenance, &c. to an unliquidated amount.

cal assistants, constantly living in the t of them, and incessantly keeping in view.

I. To pay a sum of money for every who dies under his care, taking there- pon him the insurance of their lives an ordinary premium, and that at a grounded on an average of the num- of deaths, not among imprisoned felons, among persons of the same ages in te of liberty within the bills of mor- y.

II. To lay for them the foundation- e of a provision for old age, upon the of the annuity societies.

III. To insure to them a livelihood at expiration of their terms, by setting a subsidiary establishment, into which uch as thought proper should be ad- ed, and in which they would be con- ed in the exercise of the trades in ch they were employed during their finement, without any further expence overnment.

IV. To make himself personally re- sible for the reformatory efficacy of management, and even make amends most instances for any accident of its ure, by paying a sum of money for ry prisoner convicted of a felony after discharge, at a rate increasing accord- to the number of years he had been er the proposer's care: viz. a sum not eeding 10*l.* if the prisoner had been in penitentiary panopticon one year; exceeding 15*l.*, if two years; not ex- ding 20*l.*, if three years; not exceeding . if four years; not exceeding 30*l.*, if years or upwards; such sum to be d immediately on conviction, and to applied to the indemnification of the sons injured by such subsequent of- ce, and to be equal in amount to the ue of the injury, so long as it did not eed the sums respectively above spe- ed.

XV.—To present to the court of King's nch, on a certain day of every term, afterwards print and publish, at his n expence, a Report, exhibiting in de- the state, not only moral and medical, economical, of the establishment; ewing the whole profits, if any, and in at manner they arise; and then and re, as well as on any other day, upon nmons from the court, to make answer all such questions as shall be put to him relation thereto, not only on the part of court or officer of the crown, but by ve of the court, on the part of any person whatsoever; questions, the answer to which might tend to subject him to conviction, though it were for a capital crime, not excepted; treading under foot a maxim, invented by the guilty for the benefit of the guilty, and from which none but the guilty ever derived any advantage.

XVI.—By neatness and cleanliness, by diversity of employment, by variety of contrivance, and above all, by that peculiarity of construction, which, without any unpleasant or hazardous vicinity, enables the whole establishment to be inspected at a view, from a commodious and insulated room in the center, the prisoners remaining unconscious of their being thus observed, it should be his study to render it a spectacle such as persons of all classes would, in the way of amusement, be curious to partake of; and that not only on Sundays, at the time of divine service, but on ordinary days, at meal times or times of work:—providing thereby a system of superintendance, universal, unchargeable, and uninterrupted, the most effectual and indestructible of all securities against abuse.

Such are the methods that have occurred to him for accomplishing that identification of "interest with duty," the effectuating of which in the person of the governor, is declared to be one of the leading objects of the Penitentiary Act.—[19 Geo. 3, c. 74.]

The station of gaoler is not in common account a very elevated one; the addition of contractor has not much tendency to raise it. He little dreamt, when he first launched into the subject, that he was to become a suitor, and perhaps in vain, for such an office. But inventions unpractised might be in want of the inventor: and a situation thus clipped of emoluments, while it was loaded with obligations, might be in want of candidates. Penetrated therefore with the importance of the end, he would not suffer himself to see any thing unpleasant or discreditable in the means.

Outline of the Plan of Construction alluded to in the above Proposal.

The building circular—an iron cage, glazed—a glass lantern, about the size of Ranelagh—the prisoners, in their cells, occupying the circumference—the officers, governors, chaplain, surgeon, &c. the center.

By blinds and other contrivances, the

inspectors concealed (except in as far as they think fit to shew themselves) from the observation of the prisoners: hence the sentiment of a sort of invisible omnipresence.—The whole circuit reviewable with little, or, if necessary, without any change of place.

One station in the inspection part affording the most perfect view of every cell, and every part of every cell, unless where a screen is thought fit occasionally and purposely to be interposed.

Against fire (if under a system of constant and universal inspection any such accident could be to be apprehended) a pipe, terminating in a flexible hose, for bringing the water down into the central inspection room, from a cistern of a height sufficient to force it up again by its own pressure, on the mere turning of a cock, and spread it thus over any part within the building.

For visitors, at the time of divine service, an annular gallery, rising from a floor laid immediately on the ceiling of the central inspection-room, and disclosed to view by the descent of a central dome, the superior surface of which serves, after descent, for the reception of ministers, clerk, and a select part of the auditory: the prisoners all round, brought forward, within perfect view and hearing of the ministers, to the front of their respective cells.

Solitude, or limited seclusion, *ad libitum.* —But, unless for punishment, limited seclusion in assorted companies, is preferred :—an arrangement upon this plan alone exempt from danger. The degree of seclusion fixed upon may be preserved in all places, and at all times, inviolate Hitherto, where solitude has been aimed at, some of its chief purposes have been frustrated by occasional associations.

The approach, one only—gates opening into a walled avenue cut through the area Hence no strangers near the building without leave, not without being surveyed from it as they pass, nor without being known to come on purpose. The gate of open work, to expose hostile mobs on the other side of the road, a wall with a branch of the road behind, to shelte peaceable passengers from the fire of th building. A mode of fortification lik this, if practicable in a city, would hav saved the London prisons, and prevente the unpopular accidents in St. George' fields.

The surrounding wall itself surrounde by an open palisade, which serves as fence to the grounds on the other side except on the side of the approach, n public path by that fence. A sentinel' walk between, on which no one else ca set foot without forcing the fence, an declaring himself a trespasser at least, not an enemy. To the four walls, fo such walks flanking and crossing eac other at the ends. Thus each sentin has two to check him.

SECOND REPORT FROM THE COMMITTEE ON THE LAWS RELATING TO PEN TENTIARY HOUSES.—*Ordered, by the House of Commons, to be printe* 10*th June*, 1811.

The COMMITTEE appointed to consider of the expediency of erecting a PENITENTIARY HOUSE, or PENITENTIARY HOUSES, under the acts of the 34th and 19th of his present Majesty; and, in case the adoption of the measure now referred to their consideration, should appear to them to be for the advantage of the public, to report whether any additional legislative provisions will be wanted for that purpose; and, what number of persons such Penitentiary House, or Penitentiary Houses should, in their judgment, be calculated to receive, together with any observations, which they may deem material upon the subject of their enquiry;—and who were instructed to enquire into the effects, which have been produced by the punishment of transportation t New South Wales, and of impriso ment on board the Hulks; and wer empowered to report their observatio and opinion thereupon from time t time to the House;——Have furth considered the matters to them r ferred, and agreed upon the followi REPORT:

Your Committee having received th following Letter from Jeremy Benthar esq., since their former Report was mac to the House, have thought it their du to submit the same to the consideratio of the House; although the observatio therein contained, have not made any d ference in their opinion, upon the matte referred to them.

10 June 1811.

rected Copy, received the 10th June
1811.] Dated
Queen's-square Place, Westminster,
6th May 1811.

; Understanding at different times, different gentlemen, members of the mittee, that in calling me before them, bject of the Committee has been— nerely to scrutinize into the contract nich I am a party, but also, for the ose of forming their judgment con- ng the most eligible mode of dispo- of such part of the convict population e country, as it may not be thought confine in Hulks or employ in colo- ng, to collect any such information as, ny shape, I might be found capable fording—I take the liberty of submit- in this mode, to your consideration hat of the Committee, a few sugges- on the subject of the country con-

or such of the convicts, whose con- on shall have taken place in London Middlesex, with or without the addi- of a few other counties nearly con- ous to the Metropolis, such as those instance which are comprized in the e circuit, the provision made by the ting contract may, it seems to be sup- d, suffice.

n this supposition, what, in some mode her of the Penitentiary plan, remains e provided for, is—that as yet inde- e part of the convict population, ch may be expected to be furnished he more or less distant counties :—say, example, the five remaining circuits.

or this large remnant of that popula- the question then is—What is the best e?

o this question the answer presents e options—

. Panopticons in the Metropolis, over above the one supposed to be deter- ed upon: viz. in number, one at least, as many more, if any, as the number convicts to be provided for shall be ned to require.

. Panopticons, upon an equal scale, consequently in equal number, in the ntry. These two plans belong alike hat, for distinction sake, I would beg e to call the open mode upon a large e.

. Penitentiary houses, in the existing le, one in and for each county; or, in cases in which the convict population rded by a single county would be ma- stly too small, one in each aggregate of contiguous counties, to be associated together for the purpose.

This last mode I would beg leave to distinguish by the appellation of the close mode upon a small scale.

As to the question between the open mode upon a large scale—viz. the Panopticon mode upon the Panopticon scale—and the close mode upon a small scale—my opinion has been already submitted, and not my opinion only, but the considerations, or the ground on which it was formed.

Management, in every imaginable point, better; expence less:—in these few words all those considerations will be found comprized.

On the question between panopticons all in the metropolis, and panopticons one in the metropolis and others in the country, (in each case in the open mode upon the large scale) neither are the points of distinction so manifest, nor the importance of them so great.

On the whole, however, the result of my enquiry is—that panopticons all in the metropolis present a decided title to preference.

What presents itself to me as the principal reason is, that the metropolis affords beyond comparison the best public. Here whatsoever matter proper for consideration comes into existence, is, with the minimum of trouble, brought instantaneously to the ear, laid open even to the inspection of the eye, of the whole body of constituted authorities: of the members of the administration, of the immediately superintending judicial authority: of every member of the legislature.

Not that objections are altogether wanting: but neither from report nor from imagination, have I been able to collect any, the united force of which seems sufficient to constitute a preponderant one.

1. Danger to the metropolis, from forcible and general eruption, increased.

2. Inordinate accumulation of convicts for whom provision may be to be made after discharge.

3. Remoteness of the convicts from their respective desired abodes, at the time of their discharge.

4. Inordinate expence of conveying the convicts from the place of conviction to the place of punishment.

5. Supposed unsuitableness of the fund, upon which, on this plan, the expence of maintenance, with or without the expence of conveyance, would be to be charged.

These are all the objections which I have been able to discover: and to these I proceed to submit such answers as the nature of the case has suggested.

I. Objection 1. Danger of general and forcible eruption. Answer. In my own particular it will readily enough be conceived, considering the peculiar guards which the peculiarities of the Panopticon plan provides, this danger cannot appear very considerable in either case.

But, if it be considerable, the metropolis is the spot in which it should naturally appear much less considerable than in any other place: in any other town or towns at least, to which, otherwise, this part of the convict population would be to be consigned.

Milbank and Tothill Fields being, by the supposition, the spot fixed upon already for one panopticon, I see not what should hinder its being made to receive as many others as can be required.

Within a few hundred yards of Tothill Fields is constantly stationed a body of regular troops, to the amount of some thousands: the distance, so small, that, in case of commotion, communication might be made by signals of both sorts: signals not only to the ear, but even to the eye, if an apparatus to that effect were thought fit to be provided.

In Tothill Fields, at one end of Rochester Row, stands, and has stood for (I think it is) about eight or ten years, a military infirmary, in which is constantly stationed a military guard, consisting, as I have just been informed on the spot, of nine soldiers. On one side, the waste called Tothill Fields has for its boundary this Rochester Row, on the opposite side the parcel of ground already purchased for the Panopticon Penitentiary House. On no part of this ground is there any building but what may at present be actually seen from the infirmary just mentioned, and by the guard there stationed.

On a subject so plain I should never have thought of troubling the Committee with so many words, but for the recollection, that some 18 or 19 years ago, at the commencement of my negociations, to an observation of mine pointing to the military force in the Park as an obvious source of security, the answer returned, by a gentleman then in office, was an inexorable negative. What the objections were, I enquired in vain: with the gentleman himself they did not originate. Be they what they may, they would now be found,
I should hope, no longer in existence. I
the Panopticon contained within its lodg
an acting magistrate, this military guard
being actually in his view, would, on any
such occasion as that in question, be ac-
tually under his command. I mean by
common law, to which no order from any
war office, would, I presume, be opposed

By the constant sight of a simila
guard, stationed, if thought necessary
close to the spot; for example, three o
four at the entrance into the Panopti
con ground through the walled avenu
that leads to the house,—two or three a
each of the two elevated watch houses
which command each of them, by nigh
as well as by day, the inside as well a
the outside of two of the four surround
ing walls,—by the constant sight of th
small guard, coupled with the knowledge
the arrangements that might so easily b
made for instantaneous communicatio
with the great body stationed in the neigh
bouring park, it would be extraordinar
indeed, if in the imagination of the mo
refractory prisoner, all chance of succe
in any such attempt, would not be rend
ed hopeless,—manifestly as well as con
stantly hopeless. Further observation
on this head, may be seen in Panoptic
Postscript, part 2, § 15. pp. from 201
208.

Against every danger of this sort, su
are the means of security afforded by t
metropolis in general, but in a more pa
ticular degree by the particular spot
question. In any of the provincial s
tuations, what security comparable
this, could be afforded? and that too, as
this case, without any special allotme
of military force for this particular pu
pose?

True it is, that spite of military guar
French and other prisoners of war hav
from time to time, and but too often, a
in too great numbers, contrived to ma
their escape.

But, against the escape of convict p
soners, the Panopticon plan presents s
curities in abundance, few of which,
any, would (I believe) be found employ
on any existing plan, in the case of
reign prisoners.

1. Uniform conspicuously distinctive

2. Close dress, in which the conce
ment of any weapon suited to the purp
of offence or defence, would be impra
ticable.

3. Mark, by which on the mere bari
the habitually covered arm, (the oth

habitually uncovered) the condition e person in question; viz. the fact of eing a person belonging, in the cha- r of a prisoner, to the prison in ques- would, for weeks at least after escape, anifested.

Constant division of the prisoners small, and those assorted companies.

The prisoners rendered distinguish- at a distance, each of them by a per, marked upon his clothing at the and at the breast.

No outlet for the prisoners into the osed area, but through a passage com- ded by a guard; and so narrow, that ore than one can make his exit at a , nor then but under a horizontal bar, ationed, as, by obliging each person oop, to render impossible any acquisi- of conjunct force by running.

Light kept constantly thrown, by t as well as by day, not only upon y spot to which the prisoners have ess within the prison, but upon the le surface of the four surrounding s.

. For the purpose of inspection, eyes onsiderable numbers constantly avail- themselves of that light: viz. some in centre as well as other parts of the cir- rly polygonal building within the ls, others stationed in the commanding ch-houses above mentioned, on the out- of, and in part above, those walls.

. On the top of the walls all round, a ge of spikes, iron or wooden, of such htness, that, in the attempt to set a ler against them or throw a rope over m to get up by, they would give way break, and in either case strike against ange of wires, by which a number of s would be set a ringing.

0. A conversation-tube from the cen- lodge to each of the exterior guard- ses.

1. On the outside of each of the sur- nding walls, a ditch, the water of which uld, on any attempt to undermine the tiguous wall, inundate the miners, while it betrayed their operations, der an exit, if not absolutely imprac- able, at least impracticable without such se as would give abundant warning to guard-house.

12. To each such guard-house, a dog dogs, of the sort of those which in the ht are set a barking by any the least ise.

In the eyes of the Committee the enu- ration of these several resources may be perhaps the more pardonable, if they should appear, any of them, capable of being applied with advantage to the giving additional security to those modes of confinement of which in the present state of things the inefficiency has so frequently been seen to betray itself.

To such of the convicts as it might be thought fit to give employment to in the panopticon ground at large, and thence without the limits of the enclosed area, true it is, that no more than a part of the above securities, nor that the most considerable part, would be found applicable.

But considering, that the time of daylight would be the only time at which the demand or use for any such employment would present itself; considering that in fact, on the many public works on which convicts have now for so many years been employed, they have been employed in large numbers, and (as supposed) without any particular means of selection or anxiety on that head, and that too under slight guard, and yet, at those times at least, without any instances, I believe, of escape; considering, that the passion by which a prisoner is prompted to seek, by violent means and at the hazard of his life, a relief from durance, is not likely to be found in equal strength in the breast of every individual member, of a society so numerous and so miscellaneous, the members of which may, with less danger of injustice than any where else, be rendered responsible for each other; considering, that in the mode of treatment which is essential to a system of commercial operation conducted upon the plan in question, there is nothing that seems to present a probability of its being productive of any exertion more violent and desperate than in the case of a prison upon any of the ordinary plans: all these things considered, the conclusion may, it is hoped, be, that in a case where by any failure of human prudence the party failing would, as in the present case, be in so many shapes and in so high a degree a sufferer, that same human prudence, on which, in spite of all possible securities of every other kind, reliance must in every case be placed, is not, in the present case, to be considered as destitute of all claim to that sort and degree of confidence, which is so unavoidably bestowed upon it in all other cases.

To make use of every one of these securities, at all events, and under all circumstances, without any exception in any case, is more than I see any necessity of pledging myself for; nor yet do they constitute a complete list of all the securities, to which it might eventually happen to me to have recourse. Many of them will be attended with an expence which, if incurred without necessity, would be so much waste; but for which the justification, as well on the score of necessity as of good economy, will be the more complete, the larger the scale is on which the establishment is conducted.

The faculty by which these securities were devised, will not, I presume, be considered as putting an exclusion upon the kindred faculty, by which the decision on the question, how many and which of them to employ, will from time to time be to be pronounced.

I proceed with the objections.

II. Objection 2nd. Inordinate accumulation of convicts for whom provision may be to be made after discharge.

Answer. Upon the Panopticon plan, there will be the subsidiary establishment, open to as many as may choose to take the benefit of it. Some will, some will not; but, whatever may be the proportion of the one number to the other, and whatever may be the sum of the two numbers, the exclusive choice of the Metropolis does not, to my apprehension, present itself in the shape of an inconvenience.

In the character of a reservoir for the influx in question, the option lies between the metropolis and some country town: some other town within the circuits of South Britain. The metropolis will, it is true, already have to provide for the influx from its own Panopticon. But, taking into the account the magnitude of the influx in both cases, compare the magnitude of the mass of population into which the influx will have to discharge itself in this case; (say in round numbers a million) with the magnitude of the largest mass into which it can be set to discharge itself in the case of any other such town; say 80,000: by this comparison, all apprehension on this score will, it should seem, be dissipated.

III. Objection 3rd. Remoteness of the convicts from their respective desired abodes, at the time of their discharge.

Answer 1. Merely for the purpose of facilitating, on the part of prisoners after their discharge, the return to their places of birth or subsequent settlement, in the open mode on the large scale, it would hardly, I presume, be deemed worth while so much as to build one additional Panopticon as above, much less, as in the close mode upon the small scale, to establish, in each county or set of associated counties, a Penitentiary House or improved prison, on any other plan or plans. On this occasion, the object ultimately and intrinsically aimed at, would be, I suppose, not the birth-place of each person, nor yet his place of last settlement as such, but the place, wherever it were, of his choice. But, take either of those places of presumed preference, the stain upon his character considered, it might not less probably be the spot, that, of all others, he would be the most averse, than that which he would be most desirous, to fix upon for his residence.

2. The subsidiary establishment, which, under the Panopticon plan, the governor would stand bound to provide for the purpose of making provision for all such as chose to accept of it, has for its basis the supposed non-existence of any such place of former abode, or the unwillingness to fix in it: and the least that this provision does is, to remove from the ground of necessity to that of mere inclination, the demand for means of conveyance to any other spot.

3. Whatsoever be, in preference to employment in the above-mentioned subsidiary establishment, the object of each man's desire, that portion of the earnings of his whole term, which by the contract is secured to him, must be small indeed, if it does not afford him ample means of gratifying such desire.

4. If after all, it were deemed necessary, that to each such discharged convict means of conveyance to the place of his choice, whatever it be, should be afforded at the public charge, a mode beyond comparison less expensive, than providing, though it were no more than a single prison, in this sole view, would be the putting into his pocket a sum of money, under the expectation of its being applied to this purpose. But, as the ascertaining, upon any satisfactory evidence, the spot really desired, would be plainly impossible, the spot assumed could be no other than the spot most distant from the Penitentiary House in question, for, as that most distant spot is the spot that would command most money, that would of course be the declared spot of each man's choice.

But even this maximum—meaning the annual sum of all these maximums—would be a trifle, in comparison of the expense of an additional prison, to be built and kept up on purpose. As to conveyance, neans of loco-motion derived by each from the bounty of nature, would for purpose be, I presume, regarded as cient: of the maximum in question, expence would therefore be neither nor less, than the supposed neces- expense of subsistence, during a ney begun, continued, and ended, in pedestrian mode.

. Objection 4th. Inordinate expence onveying the convicts from the place nviction to the place of punishment.

nswer. Supposing the convicts to be eyed from the several Assize and rter Session towns to the metropolis, expence (it must be acknowledged) d not but be greater, than it would be, the supposition of a plurality of Pa- icons, of which, the number being rmined by the largeness of the scale, situations should be exclusively adapt- o this one purpose: say one allotted ach of three points of the compass— north, and west. But—

. Suppose, that in addition to the one don Panopticon, only two such coun- receptacles were required,—place e two in any two of the three above- tioned points of the compass, to the lusion of the third,—in the east and h only—or in the east and west only r in the west and north only,—it seems stionable whether any such saving as posed, even to any the minutest ount, would really take place.

. Even supposing each of those three nts of the compass to have its Panop- n, and thence, in respect of length of rneys and magnitude of travelling ex- ces, a corresponding saving produced, advantage produced on this score ld, on calculation, be found (I am in- ed to think) so small, as to go but a y little way towards counteracting the advantage already indicated as having ce, on the more important score, above ntioned.

Being, as to a more or less considerable tion of it, unavoidable, we have here expence which as to so much cannot saved. But that which may be done, in point of justice (it should seem) ght to be done, is, to equalize it:—to alize it, I mean, in such sort that upon county, the Assize or Quarter Session n of which is more distant than that of other county from the place of perma- t confinement, man for man, the bur- n of conveyance may not, on that ac- nt, be rendered, or left to be, the hea- r, in its pressure on the first mentioned county, viz. in the proportion of the distance.

Now as to the mode of equalization. On the contract plan, whosoever carries on the management of that Panopticon receptacle which is the common reservoir for the convicts of all the several counties in question, in his contract it might be made a condition, that, for a sum certain, he should take upon him the conveyance of the convicts from all the several Assize towns and Quarter Session towns in the district:—for which purpose, an average would of course be taken, viz. by taking the sum of the distances, and dividing it by the number of the towns:—charge of conveyance, so much per mile.

V. Objection 5th. Supposed unsuitableness of the fund, upon which, on this plan, the expence of maintenance, with or without the expence of conveyance, would be to be charged.

To this objection two answers present themselves:

I. That, for the expence in question, the fund in question is not an unsuitable one: but, on the contrary, a more suitable one, than the fund upon which it would, in the other case, be charged.

II. That, supposing the rival fund a more suitable one, there would be no difficulty in transferring the expence to that rival fund.

I. First then, the proposed fund is not an unsuitable one.

1. The proposed is the common national fund. It is the same fund, on which the expence is charged, in the instance of all that portion of the convict population which is sent to colonize. It is the same fund, on which the expence is charged, in the instance of all that portion of the same population which is consigned to the hulks.

If, as yet, of that portion which has hitherto been consigned to prisons,—to improved or not improved prisons,—the expence has hitherto been charged on the counties, that is on the contributors to the poor rates, the disposition thus made, had, I should suppose, for its cause,—not any such opinion, as that the poor rates constituted a fund more suitable than the national fund, but merely this circumstance, viz. that the poor rates of each county constituted the only fund, out of which it was possible to obtain money for defraying the expence of the sort of prison in question;—viz. a prison situate within the county, and appropriated to the use of that county, to the exclusion of every other part of the kingdom.

regular forces; and to provide for the gradual reduction of the said militia.

21. To explain and amend an Act, passed in the 50th year of his Majesty's reign, intituled, 'An Act to direct that accounts of increase and diminution of public salaries, pensions, and allowances, shall be annually laid before parliament; and to regulate and controul the granting and pay of such salaries, pensions, and allowances;' so far as respects the grant of pensions or allowances by his Majesty to persons who previously to the passing of the said Act had served the crown in foreign courts.

22. For raising the sum of 2,500,000*l.* by way of annuities and treasury bills for the service of Ireland.

23. For rendering more effectual an Act made in the 47th year of his Majesty's reign, intituled, 'An Act for the abolition of the slave trade.'

24. To repeal so much of an Act of the 19th year of his present Majesty, as prevents masters of ships removing their vessels out of the stream, except to the lawful quays in the port of London, before the goods are discharged or their vessels are cleared by the proper officers inwards or outwards, so far as relates to any ship or vessel entered inwards or outwards from or to any port in Ireland.

25. For further continuing, until the 25th day of July 1813, an Act made in the 33d year of his present Majesty, for rendering the payment of creditors more equal and expeditious in Scotland.

26. For raising the sum of 4,981,300*l.* by way of annuities.

27. To explain and amend two Acts of the 50th and 51st years of his present Majesty, for continuing certain duties on malt, sugar, tobacco, and snuff, and other purposes mentioned in the said Acts.

28. For increasing the rates of subsistence to be paid to inn-keepers and others on quartering soldiers.

29. For continuing, until the 1st day of August 1813, two Acts of the 45th and 50th years of his present Majesty, allowing the bringing of coals, culm, and cinders to London and Westminster, by inland navigation.

30. To amend the several Acts for enabling his Majesty to accept the services of volunteers from the Militia of Ireland.

31. To continue, during the present war and until the expiration of six calendar months after the ratification of a definitive treaty of peace, and amend an Act made in the 48th year of his present Majesty, for granting an additional duty on copper imported into Great Britain.

32. For the better securing excisable goods, on board vessels, in the port of Bristol.

33. For repealing so much of two Acts of t
14th and 25th years of his present Majes
as relates to weaving blue stripes in Briti
calicoes.

34. For continuing the premiums allowed
ships employed in the southern whale fisher

35. To secure to the bank of Ireland, the r
payment of all monies advanced by them f
the purposes and in the manner therein me
tioned.

36. To facilitate the execution of justice wit
in the Cinque Ports.

37. Further to prevent the marriage of lun
tics.

38. To protect masters against embezzlemen
by their clerks and servants, in Ireland.

39. To repeal so much of an Act, passed,
the parliament of Ireland in the 3d year
the reign of his present Majesty, intitule
'An Act for the better regulation of t
linen and hemp manufactures,' as takes aw
the benefit of clergy from felons convicted
stealing cloth from bleaching grounds; a
for more effectually preventing such fel
nies.

40. To explain and amend an Act of the la
session of parliament, for repealing certa
parts of several Acts relating to the limiti
the number of persons to be carried by sta
coaches in Ireland.

41. To repeal so much of an Act, passed in t
18th year of the reign of king George 2
intituled, 'An Act for the more effectual
preventing the stealing of linen, fustia
and cotton goods and wares, in building
fields, grounds, and other places used
printing, whitening, bleaching, or drying t
same,' as takes away the benefit of cler
from persons stealing cloth in places there
mentioned; and for more effectually pr
venting such felonies.

42. To empower the Lords commissioners
the treasury to exonerate distillers of spir
from sugar, from the excess of the duties
which they were liable in consequence of t
expiration of an Act passed in the 48th ye
of his present Majesty, above the duties i
posed by the said Act.

43. For altering the time at which the add
tional duties of customs imposed by an A
of the last session of parliament on certa
species of wood were to have taken plac
and for granting a drawback upon deals a
timber used in the mines of tin, copper, a
lead, in the counties of Cornwall and Devo

44. For imposing an additional duty on lin
imported into Great Britain during the co
tinuance of the present war, and for s
months after the ratification of a definiti
treaty of peace.

45. For taking away the public use of certa

s rooms in the town of Saint John, in the d of Newfoundland; and for instituting gate courts on the coast of Labrador, in certain islands adjacent thereto.

authorize the officers of the customs to for the superintendant of quarantine, and assistant.

or carrying into effect the provisions of a ty of amity, commerce, and navigation, cluded between his Majesty and his l highness the prince regent of Portugal.

permit rum and other spirits, the pro- e of the British colonies in the West In- , to be imported into Lower Canada from va Scotia and New Brunswick, and the nds of Cape Breton, Prince Edward, and wfoundland.

or raising the sum of 12 millions by way nnuities.

o allow a greater number of sheep to be ried from England to the Isle of Man n are now permitted by law.

or abolishing the duties of the prizage and lerage of wines in Ireland.

or explaining and amending an Act pass- in the last session of parliament, for con- idating the duties of customs for the Isle Man, and for placing the same under the nagement of the commissioners of cus- ns in England.

For raising the sum of six millions, by ex- equer bills, for the service of Great Bri- n, for the year 1811.

or raising the sum of 1,500,000*l.* by ex- equer bills, for the service of Great Bri- n for the year 1811.

For abolishing the superannuation fund in e department of the customs, and for nsferring the same to the head of conso- ated customs and for authorizing the pay- ent of all retired allowances on that de- rtment out of consolidated customs.

To grant additional duties of excise on to- cco manufactured in Ireland.

To amend an act made in the 47th year his present Majesty's reign, for encourag- g the export of salted beef and pork from eland.

To allow the free importation between reat Britain and Ireland of home-made ocolate; to prohibit the importation of reign chocolate into Ireland so long as the me shall be prohibited in Great Britain; d to grant certain duties on cocoa nuts ported into Ireland.

For granting to his Majesty additional du- s of excise on wash and other liquors used the distillation of spirits; and on foreign irits imported.

60. To repeal the duties of stamps on hats made in Ireland, and on licences to persons to manufacture hats, or to utter or vend hats in Ireland, and all regulations for securing the said duties.

61. For charging the sum of 7,500,000*l.* raised for the service of Great Britain, for the year 1811, upon the duties granted to his Majesty during the continuance of the present war, and for certain periods after the ratification of a definitive treaty of peace.

62. To permit rum and other spirits, the produce of the British colonies in the West Indies, to be imported into Nova Scotia, and New Brunswick, and the islands of Cape Breton, Prince Edward, and Newfoundland, from the island of Bermuda.

63. To authorize the punishment, by confinement and hard labour, of persons in Ireland liable to transportation; and to repeal so much of a former Act as relates to that subject.

64. To enable the East India company to raise a further sum of money upon bond, instead of increasing their capital stock; and to alter and amend an Act, passed in the 47th year of the reign of his present Majesty, relative thereto.

65. To explain and amend an Act, passed in the 39th year of his Majesty's reign, intituled 'An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices so far as respects certain penalties on printers and publishers.'

66. To amend and render more effectual several Acts for promoting the trade of Dublin, by rendering its port and harbour more commodious; and for erecting, repairing, and maintaining light-houses round the coast of Ireland, and to raise a fund for defraying the charge thereof.

67. For repealing the duties of customs now payable on the importation of hides in the hair, and granting new duties in lieu thereof.

68. For charging an additional duty on verdigris imported.

69. For repealing the duty on the materials used in making flint and phial glass; and for granting, until the first day of August 1812, other duties in lieu thereof, and for continuing and amending an Act passed in the 49th year of his Majesty's reign, intituled, 'An Act for repealing the duties on the materials used in making spread window glass, and crown glass, and for granting other duties in lieu thereof; and for the better collection of the said duties.'

70. For repealing the hat duty in Great Britain.

71. For the abolition and regulation of certain offices in the customs.

72. For granting exemptions in certain cases from the payment of the duties charged in respect of servants, carriages, horses, and dogs, kept in Great Britain and Ireland respectively.

73. For the better security of his Majesty's naval arsenals in the river Medway, and Portsmouth and Hamoaze harbours, and of his Majesty's ships and vessels lying at and resorting to the same.

74. For authorizing the sale of prize goods lodged in warehouses after a certain period.

75. For making further provision for the payment of salaries and other charges in the office of the commissioners for the affairs of India; and for enabling the East India company to restore to the service of the said company, military officers removed therefrom by sentences of courts martial; and to authorize the said company, in cases of unforeseen emergency, to take up ships by private contract.

76. For letting to farm the duties on horses hired by the mile or stage, to be used in travelling, and on horses hired for a less period of time than 28 days, for drawing carriages used in travelling post or otherwise, in Great Britain; and for facilitating the recovery of the said duties.

77. To amend the laws for regulating the election, in Ireland, of members to serve in parliament.

78. To make provision in certain cases for the wives and families of serjeants, corporals, drummers, and privates, serving in the militia of Ireland.

79. To amend an Act of the 48th year of his present Majesty, for the better care and maintenance of lunatics, being paupers or criminals in England.

80. To render valid certain indentures for the binding of parish apprentices.

81. To continue, until the first day of August, 1812, certain acts for appointing commissioners to enquire into the fees, gratuities, perquisites and emoluments, received in several public offices in Ireland; to examine into any abuses which may exist in the same, and into the mode of receiving, collecting, issuing and accounting for public money in Ireland.

82. For establishing regulations respecting rock salt delivered to the refineries; for granting relief for salt lost at sea by shipwreck or capture; and for reviving, amending, and continuing, until the 25th day of March, 1815, so much of an Act of the 41st year of his present Majesty as allows the use of salt, duty free, for curing fish in bulk or in barrels.

83. For allowing the like drawback of du
paid on coals used in certain mines a
smelting mills in Devonshire, as is now a
lowed in the county of Cornwall.

84. To explain an Act passed in the 22nd ye
of his present Majesty, for better securi
the freedom of election of members to ser
in parliament, by disabling certain office
employed in the collection or management
his Majesty's revenues from giving their vo
at such elections, so far as relates to co
meters and corn meters of the city of Londo

85. To enable the commissioners of his M
jesty's treasury to issue Exchequer bills,
the credit of such aids or supplies as ha
been or shall be granted by parliament
the service of Great Britain for the ye
1811.

86. To continue, until the 5th day of Ju
1812, and to amend several Acts for gra
ing certain rates and duties, and for allowi
certain drawbacks and bounties on goo
wares, and merchandise imported into a
exported from Ireland; and to grant to
Majesty, until the said 5th day of July, 18
certain new and additional duties on the i
portation, and to allow drawbacks on t
exportation of certain goods, wares, and me
chandise into and from Ireland.

87. For allowing the manufacture and use o
liquor prepared from sugar for colouri
porter, and for indemnifying persons w
have manufactured or used such colouring

88. For raising the sum of 200,000*l*. by tr
sury bills, for the service of Ireland for
year 1811.

89. To increase the salary of the lord lieu
nant of Ireland.

90. For defraying, until the 25th day of Mar
1812, the charge of the pay and clothing
the militia of Ireland; and for making
lowances in certain cases to subaltern offic
of the said militia during peace.

91. For discharging certain arrears of q
crown, and composition rents, which h
been growing due in Ireland.

92. To repeal certain parts of several Acts
the parliament of Ireland, relating to
tolls on stage coaches, carrying above a c
tain number of passengers, and to make ot
provisions in lieu thereof.

93. For granting additional duties of cust
on fir timber, of certain dimensions, of
growth of Norway imported into Great
tain.

94. To continue, until the 29th day of J
1813, an Act of the last session of par
ment, intitled, ' An Act to extend and am
the term and provisions of an Act of the
and 40th year of his present Majesty, for
better preservation of timber in the N

orest; and for ascertaining the boundaries the said Forest, and the lands of the crown ithin the same.'

To explain and amend certain laws of ex- ise respecting the duties on estates and oods sold by auction; the allowing dealers roast their own coffee on certain condi- ons; and to the water mark of the year on aper intended for exportation.

To extend the powers vested in the com- issioners of the customs of restoring vessels nd goods seized to seizures made by virtue any Acts relating to the department of he customs.

To regulate the trade between places in urope, south of Cape Finisterre, and cer- ain ports in the British colonies in North merica.

To indemnify such persons in the United ingdom as have omitted to give securities nd to register memorials thereof, under an ct of the last session of parliament, and for xtending the times limited for those pur- oses respectively, until two months after he commencement of the next session of par- ament.

For removing doubts as to the registering f certain property purchased or sold under he land tax redemption Act, in right of hich persons may claim to vote at elections f members to serve in parliament.

. To amend an Act passed in the 38th year f his present Majesty's reign, intitled, 'An Act to regulate the trial of causes, indict- ents, and other proceedings which arise ithin the counties of certain cities and owns corporate within this kingdom.'

. For amending an Act of the 48th year of is present Majesty, for regulating the British hite herring fishery.

. To extend the provisions of an Act passed the 47th year of his present Majesty, for ischarging from the claims of the crown ertain real and personal estates belonging to eneral De Lancey, late barrack master ge- eral, and vested in trustees for sale; and lso for vesting and settling certain lands eretofore contracted to be purchased by the aid general De Lancey in trustees, to be sold or payment of a debt due to the crown, and or other purposes relative thereto.

3. To authorise the allowing officers to retire n half pay or other allowances, under cer- ain restrictions.

4. For extending and amending the regula- ions now in force, relative to the payment o the royal hospital at Chelsea, of the for- eited and unclaimed shares of army prize money.

5. To enable persons to bequeath lands and enements to the commissioners for the go- ernment of the Royal Naval Asylum, and to authorise the said commissioners to hold the same for the benefit of the said Asylum; and for amending an Act made in the 47th year of his present Majesty, relating to the said Asylum.

106. For enabling the wives and families of soldiers embarked for foreign service, to return to their homes.

107. For defraying the charge of the pay and clothing of the militia and local militia in Great Britain for the year 1811.

108. To revive and continue, until the 25th day of March, 1812, and amend so much of an Act, made in the 39th and 40th year of his present Majesty, as grants certain allowances to adjutants and serjeant-majors of the militia of England, disembodied under an Act of the same session of parliament.

109. For making allowances in certain cases to subaltern officers of the militia in Great Britain, while disembodied.

110. To prevent the counterfeiting of silver pieces denominated tokens, intended to be issued and circulated by the governor and company of the Bank of England, for the respective sums of five shillings and sixpence, three shillings, and one shilling and sixpence, and to prevent the bringing into the kingdom or uttering any such counterfeit pieces or tokens.

111. For permitting sir William Bishop and George Bishop to continue, until the 5th day of July, 1813, the manufacture of Maidstone Geneva; for charging the same with certain duties; and for rectifying a mistake in an Act of this session, for empowering the lords commissioners of the treasury to exonerate distillers of spirits from sugar from the excess of duties therein mentioned.

112. For enabling his Majesty to raise the sum of three millions for the service of Great Britain.

113. For granting to his Majesty a sum of money to be raised by lotteries.

114. To permit the services of the regiment of the miners of Cornwall and Devon to be extended to Ireland.

115. For amending the Act 43rd George 3rd, to promote the building, repairing, or otherwise providing the churches and chapels, and of houses for the residence of ministers, and the providing of churchyards and glebes.

116. To enable his Majesty to grant a piece of ground within the Tower of London, to be used as an additional burial ground for persons dying within the said Tower.

117. For granting to his Majesty certain sums of money out of the consolidated fund of Great Britain, and for applying certain monies therein mentioned, for the service of the year 1811, and for further appropriating the

supplies granted in this session of parliament.

118. To permit the interchange of the British and Irish militias respectively.

119. For repealing two Acts made in the 42nd and 47th years of his present Majesty, for the more effectual administration of the office of a justice of the peace, in such parts of the counties of Middlesex and Surrey as lie in or near the metropolis, and for the more effectual prevention of felonies; and for making other provisions in lieu thereof; to continue in force until the 1st day of June, 1813, and from thence until the expiration of six weeks from the commencement of the then next session of parliament.

120. To amend an Act of the 47th year of his present Majesty, for more effectually preventing the stealing of deer.

121. To suspend the payment of all drawbacks on spirits made or distilled in Great Britain or Ireland, and exported from either country to the other respectively; and to suspend the importation into Great Britain of any spirits made or distilled in Ireland, except such as shall have been warehoused according to law; and for regulating the exportation of home-made spirits from Great Britain to Ireland and from Ireland to Great Britain, until three months after the commencement of the next session of parliament.

122. To continue, until the 1st of January, 1813, an Act for appointing commissioners to enquire and examine into the nature and extent of the several bogs in Ireland, and the practicability of draining and cultivating them, and the best means of effecting the same.

123. For the relief of certain insolvent debto
in Ireland.

124. Further to extend and render more effe
tual certain provisions of an Act passed
the 12th year of the reign of his late Majes
king George the 1st, intitled, 'An Act
prevent frivolous and vexatious arrests;' a
of an Act passed in the 5th year of the rei
of his Majesty king George the 2nd, to e
plain, amend, and render more effectual t
said former Act; and of two Acts passed
the 19th and 43rd years of the reign of
present Majesty, extending the provisions
the said former Acts.

125. For the relief of certain insolvent debt
in England.

126. To extend an Act made in the 18th ye
of his late Majesty king George the 2nd,
explain and amend the laws touching
elections of knights of the shire to serve
parliament for England, respecting the
pences of hustings and poll clerks, so far
regards the city of Westminster.

127. For making more effectual provision
preventing the current gold coin of the rea
from being paid or accepted for a grea
value than the current value of such co
for preventing any note or bill of the
vernor and company of the Bank of Engla
from being received for any smaller s
than the sum therein specified; and for st
ing proceedings upon any distress by tend
of such notes.

128. To explain an Act passed in this prese
session of parliament, intitled, 'An Act
permit the interchange of the British a
Irish militias respectively.'

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